

1 **ALISON HELEN FAIRCHILD**
2 **1308 EAST COLORADO BLVD.**
3 PASADENA, CA 91106
4 Mobile: 626.755.6442
5 fairchildadacrusader@gmail.com
6 **OF HER OWN COUNSEL**
7 *Spirit of Esquire*

FILED Fee Paid
Sert 30th 2024 (5) (No Process) ay
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF THE STATE OF CALIFORNIA**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO COURTHOUSE**

12 **ALISON HELEN FAIRCHILD,**

Case No.

CV-24-6877

13 Plaintiff,

14 **VERIFIED ORIGINAL CIVIL RIGHTS**
15 **COMPLAINT**

16 vs.

17
18 brian chesky, alicia del valle rash, ronald a. klain, ellie mertz,
19 airbnb host llc, airbnb holdings, llc, tiffany chen, james han, kung
20 fu tea u.s.a. riverside, california, corey michael galindo (# 2037),
21 and DOES 1-10

22
23 Defendant(s),
24
25
26
27

28 Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 VERIFIED ORIGINAL CIVIL RIGHTS COMPLAINT FOR INJUNCTIVE RELIEF,
2 DECLARATORY RELIEF, GENERAL DAMAGES, COMPENSATORY DAMAGES,
3 SPECIAL DAMAGES & PUNITIVE DAMAGES FOR VIOLATION OF 42 U.S.C. §§
4 1983 & 1985, U.S.C.A. CONST. AMEND. XIV, FRAUD, NEGLIGENCE PER SE,
5 GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED.

6
7 Plaintiff ALISON HELEN FAIRCHILD, for her original civil rights complaint,
8 through herself acting in federal pro-se litigation, upon information and belief, respectfully
9 alleges as follows:

10
11 **I. INTRODUCTION**

12 1. No man in this country is so high that he is above the law. No officer of the law may
13 set that law at defiance of impunity. All of the officers of the government from the highest to
14 the lowest, are creatures of the law, and are bound to obey it. *United States v. Lee*, 106 U.S.
15 196, 1 S. Ct. 240, 27 L.Ed. 171 (1882) at 220.

16
17 2. Defendants violated state and federal laws by committing reckless *under color of law*
18 *fraud, deceit, and self-help eviction* even after they were all timely and previously served a
19 cease-and-desist letter and opt-of-arbitration notice.

20
21 3. This original 42 U.S.C. § 1983 civil rights complaint seeks to establish that the reckless,
22 wanton, willful, knowing, deliberate, malicious, and callous actions of Defendants Brian
23 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
24 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside
25 Peace Officer Corey Galindo (# 2037), and DOES 1-10 recklessly violated Alison Helen
26 Fairchild's United States constitutional civil rights. Plaintiff Alison Helen Fairchild's original

27
28 Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 civil rights complaint seeks to effect change through Punitive damages by punishing Defendants
2 Brian Chesky, Alicia Del Valle Rash, Ronald Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
3 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside
4 Peace Officer Corey Galindo (# 2037), and DOES 1-10 for their egregious conduct with the
5 hope that the punishment is significant enough to prevent Defendants from violating federal and
6 state laws in the future that were so extreme that it resulted in a UNDER COLOR OF LAW
7 SECRETLY PLANNED SELF-HELP EVICTION that was wholly aided and abetted by
8 reckless under color of law fraud and deceit.

9
10 4. All other named and unnamed Defendants acted under the color of law by working very
11 closely with the city of Riverside, California, local government to recklessly violate the United
12 States Constitutional civil rights of Plaintiff Alison Helen Fairchild.

13 14 **II. STATUTE OF LIMITATIONS**

15
16 5. Plaintiff Alison Helen Fairchild brought this original civil rights complaint before this
17 Court before the expiration of Alison Helen Fairchild's statute of limitations expiration of July
18 12, 2026. Plaintiff Alison Helen Fairchild will allege numerous factual allegations that occurred
19 between July 7, 2024, and July 12, 2024.

20 21 **III. PRELIMINARY STATEMENT**

22
23 6. This is an original constitutional civil rights action in which Plaintiff **ALISON HELEN**
24 **FAIRCHILD** [from now on "Fairchild" or Plaintiff] seeks damages to redress the
25 deprivation, under color of law, of rights secured to her under the Fourteenth Amendment of the
26 United States Constitution, 42 U.S.C. §§ 1983 and 1985.

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED**

1 **IV. TIMELY SERVED CEASE-AND-DESIST-LETTER**

2
3 7. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
4 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
5 California, and DOES 1-10 all received FAIR NOTICE by way of a timely served Cease-and-
6 Desist letter that was served upon them on July 11, 2024. See now **Appendix of Exhibits,**
7 **Exhibit 1.** Even after being served Plaintiff's Cease-and-Desist letter, Defendants continued to
8 willfully, knowingly, recklessly, maliciously, wantonly, and callously violate Alison Helen
9 Fairchild's constitutional civil rights while they were all acting under the color of law. The
10 Plaintiff's Cease-and-Desist letter was personally served upon Defendant James Han and his
11 wife Yingchun Chen on July 10, 2024, between 11 AM and 1 PM. See the declaration of
12 AROGANT HOLLYWOOD.

13
14 **V. TIMELY SERVED OPT-OUT ARBITRATION AGREEMENT NOTICE**

15
16 8. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
17 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
18 California, and DOES 1-10 were all timely served a California opt out of arbitration agreement
19 notice that Plaintiff Alison Helen Fairchild electronically signed on July 10, 2024. Plaintiff
20 Alison Helen Fairchild's California opt-out arbitration was personally served upon Defendant
21 James Han and his wife Yingchun Chen on July 10, 2024, between 11 AM and 1 PM. See
22 Declaration of AROGANT HOLLYWOOD. Plaintiff's opt-of-arbitration was also served upon
23 Defendant James Han and Airbnb Inc.'s registered agent in Delaware. See now **Appendix of**
24 **Exhibits, Exhibit 2.**

25
26
27
28 Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 **VI. DEFENDANTS RECEIVED FAIR NOTICE**

2
3 9. Pursuant to the served Cease-and-Desist Letter and California opt-out arbitration notice,
4 all Defendants, except Defendant City of Riverside Peace Officer Corey Galindo, received FAIR
5 NOTICE by electronic mail and in-person (James Han only) that they were willfully,
6 knowingly, recklessly, maliciously, wantonly, and callously violating Plaintiff's constitutional
7 civil rights.

8
9 **VII. JURISDICTION & VENUE**

10
11 10. This action is brought under 42 U.S.C. §§ 1983 & 1985 to redress the deprivation under
12 color of law of Plaintiff Alison Helen Fairchild's rights as secured by the United States
13 Constitution. The United States District Court for the Northern District of California has
14 intradistrict assignment privileges over Defendants. The claims are based on violations
15 committed by numerous Defendants who live in Santa Clara County and San Francisco County.
16 Nearly all of those Defendants transacted business regarding these claims in San Francisco and
17 Santa Clara counties, with the obvious exception being Defendants James Han, City of
18 Riverside Peace Officer Corey Galindo (# 2037), and Kung Fu Tea Riverside, California, who
19 all conspired with Santa Clara County and San Francisco County Defendants to willfully,
20 recklessly, maliciously, wantonly, and callously deprive Alison Helen Fairchild of her
21 constitutional civil rights while they were all recklessly acting under color of law..

22
23 11. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

24
25 12. This Court has supplemental jurisdiction under 28 U.S.C. § 1367(a).

26
27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 13. Declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201, 2202, and 1343.

2
3 14. Venue is proper under 28 U.S.C. § 1391(b)(1) because Defendants Brian Chesky, Alicia
4 Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC,
5 Tiffany Chen all reside in this United States Northern District of California judicial district, and
6 the remaining Defendants James Han, Kung Fu Tea Riverside, California and City of Riverside
7 Peace Officer Corey Galindo (# 2037) are residents of the state of California.

8
9 15. Personal jurisdiction is proper against all Defendants as they are either domiciled in
10 California has regularly transacted business in the state or is gainfully employed in California.

11
12 16. This is an action for general damages, compensatory damages, punitive damages, special
13 damages, injunctive relief, and declaratory relief under 42 U.S.C. § 1983 for violation of the
14 Fourteenth Amendment of the United States Constitution.

15
16 17. This is an action for general damages, compensatory damages, punitive damages, special
17 damages, injunctive relief, and declaratory relief under 42 U.S.C. §§ 1983 & 1985 for violation
18 of the Fourteenth Amendment of the United States Constitution.

19
20
21 **VIII. JURY TRIAL DEMAND AND CIVIL RIGHTS COMPLAINT OF ALISON**
22 **HELEN FAIRCHILD**

23 **PLAINTIFF ALISON HELEN FAIRCHILD** individually bring this action against
24 Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host
25 LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California,
26 City of Riverside Peace Officer Corey Galindo (# 2037), and DOES 1-10. The Plaintiff hereby

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

alleges as set forth below:

IX. SUBJECT MATTER JURISDICTION & ARTICLE III STANDING TO BRING FORTH THIS LAWSUIT

18. To establish standings to maintain an action in federal district court, a plaintiff must allege: (1) injury in fact, (2) causation---“a fairly traceable connection between the plaintiff’s harm and the complained of conduct of the defendant”, and------(3) redressability -----“a likelihood that the requested relief will redress the alleged injury.” See *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 118 S.Ct. 1003, 140 L.Ed.2d 210 (1998); *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992)

19. The Supreme Court has explained that “the irreducible constitutional minimum’ of standing consists of three elements.” See *Spokeo Inc. v. Robins*, 578 U.S. 330, 136 S.Ct. 1540, 194 L.Ed.2d 635 (2016) (*quoting Lujan*, 504 U.S. at 560). A plaintiff “must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of a defendant, and (3) that is likely to be redressed by a favorable judicial decision.

20. Plaintiff Alison Helen Fairchild is part of a protected class of United States citizens under the American Disabilities Act of 1990. Plaintiff Fairchild is protected under the American Disabilities Act of 1990 and has filed this lawsuit on her behalf to redress Fourteenth Amendment constitutional civil rights violations by all Defendants.

21. Plaintiff Fairchild alleges that Defendants’ employees and management violated Plaintiff’s XIV Amendment rights. Plaintiff Fairchild asserts that Defendants have discriminated against Plaintiff Fairchild in violation of U.S.C. §§ 1983 & 1985.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

22. Plaintiff Fairchild alleges that Defendants have conspired to interfere with Plaintiff's United States constitutional 14th Amendment civil rights by using illegal and unconstitutional under color of law self-help eviction procedures to remove Plaintiff Fairchild from her residency.

23. Plaintiff hereby alleges that Defendants violated Alison Helen Fairchild's constitutional Fourteenth Amendment civil rights by willfully, knowingly, wantonly, recklessly, maliciously, and callously committing reckless under color of law fraud, reckless under color of law deceit, and reckless under color of law self-help eviction, and Plaintiff has alleged numerous other federal and state violations including but not limited to 42 U.S.C. § 1983.

X. PARTIES

24. Plaintiff **ALISON HELEN FAIRCHILD** (from now on, "Plaintiff Fairchild" or "Fairchild") is currently a resident of California and Riverside, California. At the time of filing this original civil rights complaint, Plaintiff Fairchild resided at 541 Bruin Drive, Master Bedroom, Riverside, CA 92507. At all relevant times stated throughout this original federal civil rights complaint, Plaintiff Fairchild was a California state legal tenant of the residential real estate property located at 541 Bruin Drive, Master Bedroom, Riverside, CA, located in the city limits of Riverside, CA, 92507.

25. At all times relevant hereto and stated throughout this lawsuit, Alison Helen Fairchild was an individual over 18 years old, a resident of the state of California, and a citizen of the United States of America.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

26. Beginning on July 7, 2024, Plaintiff Fairchild resided at 541 Bruin Drive, and from July 7, 2024, until her illegal under-color of law self-eviction on July 12, 2024, she was in peaceful possession of the property's master bedroom is wholly owned by Defendant James Han and his wife, Yingchun Chen. Plaintiff Fairchild has an interest in this lawsuit through her residential tenancy of Defendant James Han's property owned at 541 Bruin Drive, Riverside, CA 92507, her illegal and unconstitutional under color of law self-help eviction and subsequent lockout by Defendants, and discrimination forbidden by Title III of the American Disabilities Act of 1990, Civil Rights Act of 1964, the Unruh Civil Rights Act, and 42 U.S.C. §§ 1983 & 1985.

27. Plaintiff Fairchild is a proper and appropriate party to this federal district court lawsuit through her residential tenancy at 541 Bruin Drive, Riverside, CA 92507, and through all Defendants' reckless, wanton, malicious, callous, willful, and deliberate actions that interfered, invaded, infringed upon, and deprived Fairchild of her United States constitutional rights under 42 U.S.C. § 1983, Title III of the American Disabilities Act of 1990, Civil Rights Act of 1964, and the Unruh Civil and the analogous provisions of California constitutional and statutory law. Plaintiff Fairchild seeks damages for the individual Plaintiff on her behalf and for herself.

28. Plaintiff **ALISON HELEN FAIRCHILD** is a "physically handicapped person," a "physically disabled person," and a "person with physical disabilities" (from now on, the terms "physically disabled," "physically handicapped" and "person with physical disabilities" are used interchangeably, as these words have similar or identical common usage and legal meaning, but the legislative scheme in Part 5.5 of the Health & Safety Code uses the term "physically handicapped persons" and the Unruh Civil Rights Act, §§ 51, 51.5, 54, 54.1 and 55, and other statutory measures refer to protection of the rights of "physically disabled persons"). Plaintiff **ALISON HELEN FAIRCHILD** is a "person with physical disabilities," as defined by all applicable California and United States laws.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

29. Plaintiff Alison Fairchild has severe brain damage and chronic arthritis all over her entire body, spinal meningitis, multiple sclerosis, and constant joint inflammation, pain, and swelling. Plaintiff Fairchild suffers from degenerative joint disease in her neck, shoulders, and spine, an irregular heartbeat, and multi-joint arthritis. Plaintiff Fairchild was diagnosed with Multiple Sclerosis in 2004, and it is a progressive disease that will only get worse over time. MS causes Plaintiff Fairchild to suffer from blurred vision, double vision, migraines, muscle spasms, muscle weakness, joint pains, and additional lesions on her brain because of her Multiple Sclerosis illness and symptoms. Plaintiff Fairchild has no control over her muscles, which are deteriorating faster than doctors thought they would, and she is forced constantly to use a wheelchair. The Plaintiff cannot walk. Plaintiff Fairchild also suffers from severe cervical degenerative disk disease, ruptured discs in her back, and heart disease. In addition, Plaintiff Fairchild's multiple sclerosis attacks her brain and, during intense emotional distress, leads to migraines caused by additional lesions formed on her brain.

30. **ALISON HELEN FAIRCHILD** requires using a wheelchair to travel in public. Consequently, Plaintiff **ALISON HELEN FAIRCHILD** is a member [1] of that portion of the public whose rights are protected by the provisions of Health & Safety Code § 19955, et seq. (entitled "Access to Public Accommodations by Physically Handicapped Persons") and the protections of the Unruh Civil Rights Act, Civil Code §§ 51 and 51.5, the Disabled Persons Act, Civil Code § 54, and the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.

31. Plaintiff Fairchild is legally disabled and is, therefore, a member of a protected class under the ADA, 42 U.S.C. § 12102(2), the regulations implementing the ADA set forth at 28 CFR §§ 36.101 et seq. Plaintiff ambulates with the aid of a wheelchair due to sudden paralysis caused by an unfortunate West Nile virus nearly fatal infection combined with her Multiple Sclerosis illness.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

32. Plaintiff Fairchild is legally disabled and is, therefore, a member of a protected class under the California Unruh Civil Rights Act. (California Civil Code § 51, *et seq.* Plaintiff ambulates with the aid of a wheelchair due to sudden paralysis caused by an unfortunate West Nile virus nearly fatal infection combined with her Multiple Sclerosis illness.

33. Plaintiff Fairchild is legally disabled and is, therefore, a member of a protected class under the Fair Housing Act (42 U.S.C. § 3602 because she has physical and mental disorders that substantially limit one or more of her major life activities because she has a documented medical and mental health record of such psychological and physical impairments, and because numerous medical and mental health professionals have regarded Fairchild as having countless physical and mental impairments.

34. Defendant **BRIAN JOSEPH CHESKY** (hereinafter “Chesky”) is the Chief Executive Officer and co-founder of Airbnb Inc. and all its many entities and subsidiaries. Defendant Brian Joseph Chesky engaged in the reckless and wanton conduct complained upon herein while working in the course and scope of his employment with Airbnb Inc. Defendant Chesky is at this moment sued in his official capacity as the co-founder and Chief Executive Officer of Airbnb Inc. and in his personal capacity as a citizen of the United States. Defendant Chesky acted under the color of law willfully, knowingly, recklessly, maliciously, callously, carelessly, and deliberately with callous indifference to Fairchild's federally protected civil rights. Defendant Chesky intentionally violated Fairchild's Fourteenth Amendment Due Process Clause constitutional civil rights and her California Constitution Article I, § 7 and California Constitution Article I, § 26 civil rights. Defendant Chesky resides in San Francisco County.

35. Defendant **ALICIA DEL VALLE RASH** (hereinafter “Rash”) is the Global Head of Diversity and Belonging (Chief Diversity Officer) of Airbnb Inc. and all its many entities and

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 subsidiaries. Defendant Rash engaged in the reckless and wanton conduct complained upon
2 herein while working in the course and scope of her employment with Airbnb Inc. Defendant
3 Rash is at this moment sued in her official capacity as the Chief Diversity Officer of Airbnb Inc.
4 and in her personal capacity as a citizen of the United States. Defendant Rash acted under the
5 color of law willfully, knowingly, recklessly, maliciously, callously, carelessly, and deliberately
6 with callous indifference to Fairchild's federally protected civil rights. Defendant Rash
7 intentionally violated Fairchild's Fourteenth Amendment Due Process Clause constitutional
8 civil rights and her California Constitution Article I, § 7 and California Constitution Article I, §
9 26 civil rights. Defendant Rash resides in San Francisco County.

10
11 36. Defendant **RONALD A. KLAIN** (hereinafter "**Klain**") is the Chief Legal Officer of
12 Airbnb Inc. and all its many entities and subsidiaries. Defendant Klain engaged in the reckless
13 and wanton conduct complained upon herein while working in the course and scope of his
14 employment with Airbnb Inc. Defendant Klain is at this moment sued in his official capacity as
15 the Chief Legal Officer of Airbnb Inc. and in his personal capacity as a citizen of the United
16 States. Defendant Klain acted under the color of law willfully, recklessly, maliciously, callously,
17 carelessly, and deliberately with callous indifference to Fairchild's federally protected civil
18 rights. Defendant Klain intentionally violated Fairchild's Fourteenth Amendment Due Process
19 Clause constitutional civil rights and her California Constitution Article I, § 7 and California
20 Constitution Article I, § 26 civil rights. Defendant Klain resides in San Francisco County.

21
22 37. Defendant **ELLIE MERTZ** (hereinafter "**Mertz**") is the Chief Financial of Airbnb Inc.
23 and all its many entities and subsidiaries. Defendant Mertz engaged in the reckless and wanton
24 conduct complained upon herein while working in the course and scope of her employment with
25 Airbnb Inc. Defendant Mertz is at this moment sued in her official capacity as the Chief
26 Financial Officer of Airbnb Inc. and in her personal capacity as a citizen of the United States.

27
28 Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 Defendant Mertz acted under the color of law willfully, recklessly, maliciously, callously,
2 carelessly, and deliberately with callous indifference to Fairchild's federally protected civil
3 rights. Defendant Mertz intentionally violated Fairchild's Fourteenth Amendment Due Process
4 Clause constitutional civil rights and her California Constitution Article I, § 7 and California
5 Constitution Article I, § 26 civil rights. Defendant Mertz resides in San Francisco County.

6
7 38. Defendant **AIRBNB HOST, LLC** is a Delaware limited liability corporation with its
8 principal place of business in San Francisco, California. Defendant Airbnb Host LLC is a
9 limited liability corporation formed under the laws of the state of Delaware, with its principal
10 place of business in San Francisco County. Defendant Airbnb Host LLC acted under the color
11 of law willfully, recklessly, knowingly, maliciously, callously, carelessly, and deliberately with
12 callous indifference to Fairchild's federally protected civil rights. Defendant Airbnb Host LLC
13 intentionally violated Fairchild's Fourteenth Amendment Due Process Clause constitutional
14 civil rights and her California Constitution Article I, § 7 and California Constitution Article I, §
15 26 civil rights. On information and belief, Airbnb Inc., Chesky, Rash, Klain, Mertz, and DOES
16 1-10 directed and authorized all of Airbnb Host LLC's operational decisions relevant herein
17 from the United States publicly traded Airbnb Inc.'s worldwide headquarters located in San
18 Francisco County.

19
20 39. Defendant **AIRBNB HOLDINGS, LLC** is a Delaware limited liability corporation with
21 its principal place of business in San Francisco, California. Defendant Airbnb Holdings LLC is a
22 limited liability corporation formed under the laws of the state of Delaware, with its principal
23 place of business in San Francisco County. Defendant Airbnb Holdings LLC acted under the
24 color of law willfully, recklessly, maliciously, callously, carelessly, and deliberately with callous
25 indifference to Fairchild's federally protected civil rights. Defendant Airbnb Holdings LLC
26 intentionally violated Fairchild's Fourteenth Amendment Due Process Clause

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED**

1 constitutional civil rights and her California Constitution Article I, § 7 and California
2 Constitution Article I, § 26 civil rights. On information and belief, Airbnb Inc., Chesky, Rash,
3 Klain, Mertz, and DOES 1-10 directed and authorized all of Airbnb Holdings LLC's operational
4 decisions relevant herein from the United States publicly traded Airbnb Inc.'s worldwide
5 headquarters located in San Francisco County.

6
7 40. Defendant **TIFFANY CHEN** (hereinafter "**Chen**") is a manager employed at Kung Fu
8 Tea U.S.A.'s Oakland, California restaurant location. Defendant Chen engaged in the reckless
9 and wanton conduct complained upon herein while working in the course and scope of her
10 employment with Kung Fu Tea U.S.A. Defendant Chen is, at this moment, sued in her official
11 capacity as a manager of Kung Fu Tea Oakland, California, location and in her personal
12 capacity as a citizen of the United States. Defendant Chen acted under the color of law willfully,
13 recklessly, maliciously, callously, carelessly, and deliberately with callous indifference to
14 Fairchild's federally protected civil rights. Defendant Chen intentionally violated Fairchild's
15 Fourteenth Amendment Due Process Clause constitutional civil rights and her California
16 Constitution Article I, § 7 and California Constitution Article I, § 26 civil rights. Defendant
17 Chen resides in Oakland County.

18
19 41. Defendant **JAMES HAN** (hereinafter "**Han**") is an assistant manager employed at
20 Kung Fu Tea U.S.A.'s Riverside, California restaurant location and a Coldwell Banker licensed
21 California real estate agent (CalRE # 02222105). Defendant Han engaged in the reckless and
22 wanton conduct complained upon herein while working in the course and scope of his
23 employment with Kung Fu Tea U.S.A. and while Han was acting in his personal and individual
24 capacity as citizen of the United States. Defendant Han is one of two real property owners of a
25 multi-family storied house located at 541 Bruin Drive, Riverside, CA, 92507. Defendant Han is
26 hereby sued in his official capacity as a manager of Kung Fu Tea Riverside,

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 California, location, and in his personal capacity as a citizen of the United States. Defendant
2 Han acted under the color of law willfully, knowingly, recklessly, maliciously, callously,
3 carelessly, and deliberately with callous indifference to Fairchild's federally protected civil
4 rights. Defendant Han intentionally violated Fairchild's Fourteenth Amendment Due Process
5 Clause constitutional civil rights and her California Constitution Article I, § 7 and California
6 Constitution Article I, § 26 civil rights. Defendant Han resides in Riverside County.

7
8 42. Defendant **KUNG FU TEA U.S.A. RIVERSIDE, CALIFORNIA** (hereinafter "**Kung**
9 **Fu Tea**") is a restaurant location wholly owned by Kung Fu Tea U.S.A. Defendant Kung Fu
10 Tea and its employees employed at 3678 Central Avenue, Suite 102, Riverside, CA 92506,
11 engaged in the reckless and wanton conduct complained upon herein while its employees were
12 working in the course and scope of their employment with Kung Fu Tea U.S.A. Defendant
13 Kung Fu Tea U.S.A.'s dishonest and biased employee, James Han, is one of two real property
14 owners of a multi-family storied house located at 541 Bruin Drive, Riverside, CA, 92507.
15 Defendant Kung Fu Tea, at this moment, sued in its official capacity as the owner of Kung Fu
16 Tea Riverside, California, location and in its personal capacity as a citizen of the United States
17 and resident of the city of Riverside, California. Defendant Kung Fu Tea acted under the color
18 of law by willfully, knowingly, recklessly, maliciously, callously, carelessly, and deliberately
19 with callous indifference to Fairchild's federally protected civil rights. Defendant Kung Fu Tea
20 intentionally violated Fairchild's Fourteenth Amendment Due Process Clause constitutional
21 civil rights and her California Constitution Article I, § 7 and California Constitution Article I, §
22 26 civil rights. Defendant Kung Fu Tea Riverside, California, is headquartered in Riverside
23 County.

24
25
26
27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

43. Defendant **CITY OF RIVERSIDE PEACE OFFICER COREY MICHAEL GALINDO (# 2037) (hereinafter "Galindo)** is a sworn California peace officer/public safety officer employed by the city of Riverside, California. Defendant Galindo engaged in the reckless and wanton conduct complained upon herein while working in the course and scope of his employment with the city of Riverside, and he made personal decisions to recklessly violate Fairchild's constitutional civil rights entirely on his own and based in his independent thinking and decision-making. Defendant Galindo is hereby sued in his official capacity as a peace officer of Riverside, California, and in his personal capacity as a citizen of the United States. Defendant Galindo acted under the color of law by willfully, knowingly, recklessly, maliciously, callously, carelessly, and deliberately with callous indifference to Fairchild's federally protected civil rights, physically removing Fairchild from a master bedroom that she was in peaceful possession, by telling her that she would be arrested for trespass if she refused to vacate her master bedroom immediately, and by Galindo recklessly allowing, condoning, and permitting real estate agent Defendant James Han to remove her personal property from her cool climate controlled master bedroom and then recklessly place it in a 100 degree plus hot summer garage located inside the home located at 541 Bruin Drive, Riverside, CA. Defendant Galindo intentionally violated Fairchild's Fourteenth Amendment Due Process Clause constitutional civil rights and her California Constitution Article I, § 7 and California Constitution Article I, § 26 civil rights. Defendant Galindo is not entitled to any shape, form, or type of peace officer or police officer immunity based upon his reckless violation of Fairchild's constitutional civil rights while he was bathed, clothed, draped, and covered in and under the color of law. Defendant Galindo resides in Riverside County.

44. Plaintiff Alison Helen Fairchild is unaware of the true and proper names of Defendants listed as DOES 1 through 10, inclusive, and therefore sues them by the fictitious preceding names. The plaintiff will amend her original civil rights complaint by inserting the proper names

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 instead of said fictitious names, together with apt and proper charging words when said actual
2 names are ascertained. Plaintiff is informed and believes and thereon alleges that each of the
3 Defendants designated herein as a DOE is responsible and liable to Plaintiff Fairchild in some
4 manner for the events, happenings, and contention referred to in this original civil rights
5 complaint. All references herein to "Defendant: or "Defendants" shall be deemed to include all
6 DOE Defendants.

7
8 45. Plaintiff Alison Helen Fairchild is informed and believes and thereon alleges that each
9 Defendant, including DOES 1 through 10, was and is the agent, employee, servant, subsidiary,
10 partner, member, associate, or representative of each other Defendant, and that all of things
11 alleged to have been done in the course and scope of said agency, employment, service,
12 subsidiary, partnership, membership, association, or representative relationship and with the
13 knowledge and consent of their respective principals, employers, masters, parent corporations,
14 partners, members, associates, or representatives. Each Defendant has authorized, ratified,
15 acknowledged, consented, acquiesced, condoned, tolerated, and approved of all acts, conduct,
16 and omissions by each other Defendant. Plaintiff is informed and believes, and thereon alleges,
17 that each of the fictitiously named Defendants is responsible in some manner for the occurrences
18 alleged in this complaint and that Plaintiff Fairchild's damages, as alleged in this original civil
19 rights complaint, were proximately caused by those Defendants.

20
21 46. The allegations of this original civil rights complaint, based on information and belief,
22 will likely have evidentiary support after a reasonable opportunity for further investigation and
23 discovery. Such include issuing subpoenas duces tecum, taking oral depositions, and Requests
24 for Admission and Special Interrogatories, all which Plaintiff Fairchild intends to conduct after
25 the Rule 26(f) conference.

26
27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 **XI. CONTINUING VIOLATIONS**

2
3 47. The wrongful acts and omissions giving rise to the Defendants' liability in this action
4 commenced on July 7, 2024, and have been and are "continuing" in nature as of the date of
5 filing of this civil rights complaint on or about September 27, 2024. Plaintiff Alison Helen
6 Fairchild, therefore, HEREBY reserves her right to amend this original civil rights complaint
7 (Into her FAC) as new and additional facts and claims arise or become known to Plaintiff.
8

9 **XII. FACTS**

10
11 **GENERAL ALLEGATIONS OF COMPLAINT IN SUPPORT OF PLAINTIFF**
12 **ALISON HELEN FAIRCHILD'S CLAIMS FOR RELIEF, REQUESTED**
13 **RELIEF, & DAMAGES**
14

15 48. Since at least 2005, Fairchild has been unable to walk and requires a wheelchair to travel
16 anywhere, including the bathroom.
17

18 49. Since the late 1990s, Alison Helen Fairchild has been a disabled United States citizen.
19 Alison Helen Fairchild cannot walk and stand without falling to the floor or the ground. Since
20 early 2000, Alison Helen Fairchild has required the assistance of another human being to be safe
21 inside her home or to be safe while she was also temporarily homeless on the dangerous streets
22 of Los Angeles County between 2016 and 2022.
23

24 50. On July 7, 2024, Plaintiff Alison Helen Fairchild's fiancé, AROGANT HOLLYWOOD
25 (hereinafter "AROGANT"), booked a master bedroom available on Airbnb Inc.'s hosting
26 website, Airbnb.com. The total amount paid was approximately \$ 700.00. The address of the
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 The Airbnb listing was for 541 Bruin Drive, Riverside, CA 92507. The host was listed as
2 Yingchun, and the co-host was listed as James.

3
4 51. On July 8, 2024, AROGANT began moving into the 541 Bruin Drive master bedroom
5 after he and Fairchild were forced to check out an Extended Stay America hotel located at 1710
6 Orange Tree Lane (see federal district court case 2:24-cv-01907) filed in the Eastern District
7 of California on July 11, 2024.

8
9 52. After two trips of moving in on July 8, 2024, AROGANT brought Fairchild with him on
10 his third trip. Since the master bedroom was located on the second story of the home.
11 AROGANT first carried Fairchild up nearly twenty stairsteps. AROGANT then thoroughly
12 cleaned the wheels of Fairchild's wheelchair so dirt from the wheels being outside would not
13 damage the home's new carpet. As soon as Defendant Han's wife, Yingchun Chen, saw the
14 wheelchair, she began yelling: *"Why did you bring that wheelchair into my home? That's
15 needed for the crippled lady. Your crippled lady must leave because this Airbnb listing does
16 not provide handicap access"*. Since Yingchun Chen's English was poor, she used Google
17 Translate speaker so AROGANT could clearly hear what she said. AROGANT clearly heard
18 what Yingchun Chen said. AROGANT replied by using Google Translate to tell Yingchun Chen
19 the following on his iPhone 14 Pro Max: *"Under federal law, Airbnb must provide ADA
20 accommodations at all their listings. You are discriminating against me and my fiancée
21 Alison, and we will report you to Airbnb."*

22
23 53. On July 9, 2024, AROGANT filed a complaint on behalf of himself and Fairchild with
24 Airbnb by telephone, warning them that he and Fairchild would take legal action against Airbnb
25 Inc. if it continued to allow Yingchun Chen and James Han to recklessly violate their
26 constitutional civil rights by discriminating against them.

27
28 Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 54. On July 9, 2024, AROGANT used his VISA ban debit card 4985 0311 7466 8034 to
2 book a reservation to continue to stay at 541 Bruin Drive, Riverside, CA 92507, from July 14,
3 2024, until July 21, 2024. In retaliation for AROGANT and Fairchild making a complaint
4 against them, James Han and his wife Yingchun Chen recklessly declined AROGANT's Airbnb
5 reservation. See now proof of Yingchun Chen and James Han's reckless denial of extending
6 Fairchild's Airbnb reservation attached as Appendix of Exhibits, Exhibit 3.

7
8 55. On July 10, 2024, AROGANT used his VISA ban debit card 4985 0311 7466 8034 to
9 book a reservation to continue to stay at 541 Bruin Drive, Riverside, CA 92507, from July 14,
10 2024, until July 21, 2024. In retaliation for AROGANT and Fairchild making a complaint
11 against them, James Han and his wife Yingchun Chen recklessly declined AROGANT's Airbnb
12 reservation.

13
14 56. Fed up with Yinghun Chen and James Han willfully, knowingly, recklessly, wantonly,
15 maliciously, and callously canceling his and Fairchild's July 10, 2024, reservation. AROGANT
16 told Han in person that he would pay him \$ 1,200 a month to stay permanently in the home's
17 master bedroom. AROGANT's monthly rental payment offer was based on AROGANT
18 speaking to a young Chinese lady visiting the house, who told AROGANT that Han offered to
19 rent a bedroom to her for \$ 900.00 per month. Thus, AROGANT's offer of \$ 1,200 a month for
20 occupancy of the master bedroom was a fair price for rent. Han declined to rent to AROGANT
21 and Fairchild. Han's actions, misdoings, misdeeds, misconduct, and transgressions of recklessly
22 refusing to rent to AROGANT and Fairchild willfully, recklessly, wantonly, maliciously, and
23 callously violated the California Fair Housing Act and the separately enacted Fair Housing Act
24 (42 U.S.C. § 3601, *et seq*) because AROGANT and Fairchild are disabled, because AROGANT
25 is African-American, and because the young Chinese girl Han agreed to rent to was the same
26 race as Han and non-handicapped. Han is clearly guilty of willful, wanton, reckless, malicious,

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IED, & NEGLIGENT IED**

1 and callous violation of California state and federal housing discrimination. As a licensed real
2 estate agent for Coldwell Banker in Victorville, California, he knew his actions were illegal and
3 unconstitutional.

4
5 57. Fed up with Yingchun Chen, Airbnb's executives, and James Han's reckless, willful,
6 wanton, malicious, and callous racial bias, racial discrimination, disability bias, and disability
7 discrimination on July 10, 2024, AROGANT personally served James Han and his wife
8 Yingchun Chen with a Cease-and-Desist Letter that commanded them to immediately cease and
9 desist violating AROGANT and Fairchild's constitutional civil rights. See now the Cease-and-
10 Desist Letter attached as **Appendix of Exhibits, Exhibit 1.**

11
12 58. Fed up with Yingchun Chen, Airbnb's executives, and James Han's reckless, willful,
13 wanton, malicious, and callous racial bias, racial discrimination, disability bias, and disability
14 discrimination on July 10, 2024, AROGANT personally served James Han and his wife
15 Yingchun Chen with an opt-out arbitration legal document that was over fifteen pages and
16 included case law citations. See now the California Opt-Out Arbitration Notice attached as
17 **Appendix of Exhibits, Exhibit 2.**

18
19 59. On July 10, 2024, AROGANT emailed a copy of his and Fairchild's Cease-and-Desist
20 Letter and opt-out arbitration to James Han's work email addresses of
21 jameshan@kungfutea.com and jameshan@kfteausa.com

22
23 60. On July 10, 2024, AROGANT served Defendant James Han a physical copy of his and
24 Fairchild's Cease-and-Desist Letter and Opt-Out Arbitration by mailing said legal documents by
25 United States Postal Service Priority Mail with Certified Mail and Return Receipt. See now
26 U.S.P.S. proof of mailing sent to James Han attached to **Appendix of Exhibits, Exhibit 4.**

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED**

James Han's Cease-and-Desist Letter and Opt-Out Arbitration mailing were adequately addressed to:

James Han
541 Bruin Drive
Riverside, CA 92507

61. Paragraphs 56-60 prove by clear and convincing evidence that Defendant James Han received FAIR NOTICE that he was willfully, recklessly, wantonly, maliciously, and callously violating Fairchild's constitutional civil rights.

62. On July 10, 2024, AROGANT emailed a copy of his and Fairchild's Cease-and-Desist Letter and opted out of arbitration notice to numerous Kung Fu Tea executives and Defendant Tiffany Chen. Paragraph 62 proves Defendant Kung Fu Tea Riverside, California, and Tiffany Chen received FAIR NOTICE that they were willfully, recklessly, wantonly, maliciously and callously violating Fairchild's constitutional civil rights.

63. On July 10, 2024, AROGANT served Airbnb Inc. a physical copy of his and Fairchild's Cease-and-Desist Letter and Opt-Out Arbitration notice by mailing said legal documents by United States Postal Service Priority Mail with Certified Mail and Return Receipt. See now U.S.P.S. proof of mailing attached as **Appendix of Exhibits, Exhibit 5. The Cease-and-Desist Letter and opt-out arbitration notice were addressed to:**

Airbnb Inc.
251 Little Falls Drive
Wilmington, DE 19808

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

64. On July 10, 2024, AROGANT electronically served a copy of his and Fairchild's Cease-and-Desist Letter to Defendants Chesky, Rash, Klain, Mertz, and numerous other Airbnb Inc. Executives. See a copy of this email attached as **Appendix of Exhibits, Exhibit 6**.

65. On July 10, 2024, AROGANT electronically served a copy of his and Fairchild's California opt-out arbitration to Defendants Chesky, Rash, Klain, Mertz, and numerous other Airbnb Inc. Executives. See a copy of this email attached as **Appendix of Exhibits, Exhibit 7**.

66. Paragraphs 63-65 prove by clear and convincing evidence that all emailed Airbnb Inc. executives received FAIR NOTICE that they were willfully, knowingly, recklessly, wantonly, maliciously, and callously violating Fairchild's constitutional civil rights.

67. Paragraphs 1-66 and the remaining allegations of this original civil rights complaint prove that after Airbnb Inc. executives had received FAIR NOTICE that they were willfully, knowingly, recklessly, wanton, maliciously, and callously violating Fairchild's constitutional civil rights. Defendants recklessly chose to disregard and disobey Fairchild's electronically served Cease-and-Desist Letter, further harming Fairchild by violating her ADA constitutional civil rights and Fourteenth Amendment Due Process Clause constitutional civil rights by willfully, recklessly, wantonly, maliciously, and callously locking her out of her home on July 12, 2024, located at 541 Bruin Drive, Riverside, CA 92507.

68. On July 10, 2024, at approximately 10:30 PM, AROGANT used his VISA ban debit card 4985 0311 7466 8034 to book a reservation to continue to stay at 541 Bruin Drive, Riverside, CA 92507, from July 14, 2024, until July 21, 2024. In retaliation for AROGANT and Fairchild making a complaint against them, James Han and his wife Yingchun Chen recklessly declined AROGANT's Airbnb reservation.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED

69. On July 11, 2024, at approximately 9 AM, AROGANT spoke to the City of Riverside Business License Department. The city of Riverside municipal statutes of the city of Riverside requires Airbnb hosts to have a short-term rental business license to legally operate an Airbnb listing within the city limits of the city of Riverside, California. AROGANT wanted to verify that James Han and his wife, Yingchun Chen, were legally and lawfully operating their Airbnb listing at 541 Bruin Drive, Riverside, CA 92507.

70. On July 11, 2024, at approximately 9:20 AM, AROGANT requested that city of Riverside business license department employee Wendy Aguilar run a search for address 541 Bruin Drive, Riverside, California. Veronica told AROGANT that she had found a valid short-term rental business license and registration for 541 Bruin Drive, Riverside, CA 92507, under a corporation called SZ Air Venture Inc. AROGANT requested that Wendy email him a copy of SZ Air Venture Inc.'s city of Riverside, California business license to fairchildadacrusader@gmail.com. See now Wendy Aguilar's email to Fairchild, which attached a copy of James Han Yingchun Chen's falsified and fabricated business license to her email to Alison Helen Fairchild on July 11, 2024, at approximately 9:52 AM, attached hereto as **Appendix of Exhibits, Exhibit 8**. AROGANT observed that the license was in good standing and that the license clearly stated that SZ Air Venture Inc. was a short-term rental business operating at 541 Bruin Drive, Riverside, CA 92507. See now a copy of James Han and Yingchun Chen's falsified and fabricated city of Riverside business license attached hereto as **Appendix of Exhibits, Exhibit 9**. James Han and Yingchun Chen's fabricated and falsified City of Riverside business license specifically stated the following:

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENCE IIED

1 DBA: SZ AIR VENTURE INC.
2 BUSINESS NAME SZ AIR VENTURE INC.
3 LOCATION ADDRESS: 541 BRUIN DR.
4 RIVERSIDE, CA 92507-6077
5 MAILING ADDRESS: 541 BRUIN DR
6 RIVERSIDE, CA 92507
7 PHONE NUMBER: (619) 953-9929
8 OWNERSHIP: CORPORATION
9 ACCOUNT NO: 12376584
10 LICENSE ISSUED: 2/20/2024
11 BUSINESS STATUS: ACTIVE
12 START DATE: 02/20/2024
13 LOCATION: INSIDE
14 RATE TYPE (STD) CLASS A
15 BUSINESS TYPE: MISC PROPERTY RENTAL
16 NAIC DESCRIPTION: LESSORS OF RESIDENTIAL BUILDINGS AND
17 DWELLINGS
18 SIC DESCRIPTION: OPERATORS OF RESIDENTIAL HOTELS
19 OWNER: SZ AIR VENTURE INC.
20

21 All the above-stated information on James Han's fabricated and falsified business license was
22 FALSE, and he knew with 100% certainty that it was false.
23

24 70 ½. Based upon Defendant James Han's college-level business education and based upon his
25 extensive real estate expertise and knowledge as a licensed California real estate agent (CalRE #
26 02222105). Defendant James Han knew with one hundred percent certainty that he was
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

recklessly defrauding the city of Riverside, Airbnb guests, and Alison Helen Fairchild when he willfully, knowingly, recklessly, wantonly, maliciously, and callously wrote and stated false and misleading information on his city of Riverside short-term rental business license that SZ Air Venture Inc. was a lessor of residential buildings and dwellings and an operator of residential hotels, while Defendant James Han knew with one hundred percent certainty that SZ Air Venture Inc. was not even the owner and operator of the bedrooms inside of the home located at 541 Bruin Drive, Riverside, CA that were illegally being rented out and booked on Airbnb.com using a faulty and fraudulent city of Riverside short-term rental business license.

71. On July 11, 2024, at approximately 9:30 AM, AROGANT ran a business search for California corporation SZ Air Venture Inc. AROGANT found numerous California Secretary of State records that proved that James Han and Yingchun Chen deceived and tricked the city of Riverside, California:

1. SZ Air Venture Inc. was a trading used aircraft parts corporation.
2. The Air in SZ Air Venture Inc. did not stand for Airbnb.
3. Yingchun Chen, the homeowner and Airbnb host at 541 Bruin Drive, Riverside, CA 92507, was the chief executive officer, chief financial officer, director, and secretary of SZ Air Venture Inc.
4. Property records for 541 Bruin Drive, Riverside, California, prove that James Han and Yingchun Chen purchased the home in February 2024. California Secretary of State business records show that SZ Air Venture was incorporated in California on September 18, 2014, in Carlsbad, California, proving that SZ Air Venture Air Inc. was incorporated

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 long before James Han purchased his home so he and his wife Yingchun Chen could
2 begin their illegal Airbnb rental career.

3
4 5. SZ Venture Air Inc.'s current principal place of business and mailing address was 18374
5 Phantom W, Victorville, CA 92394. The homeownership property records for 541 Bruin
6 Drive, Riverside, CA, show James Han purchased the home in February 2024.

7
8 See now beenverified.com property records for 541 Bruin Drive, Riverside, CA 92507 attached
9 as **Appendix of Exhibits, Exhibit 10.**

10
11 See now California Secretary of State certified business records for airplane parts corporation
12 SZ Air Venture Inc. attached as **Appendix of Exhibits, Exhibit 11.**

13
14 72. Beenverified.com property records for 541 Bruin Drive combined with certified
15 California Secretary of State business records for SZ Air Venture Inc. prove by clear and
16 convincing evidence that James Han and Yingchun Chen willfully, knowingly, recklessly,
17 wanton, maliciously, and callously committed perjury and violated city of Riverside municipal
18 code laws by fabricating lies and falsifying information on their frivolous and invalid city of
19 Riverside, California business license that incorporated airplane parts corporation SZ Venture
20 Air in 1994. SZ Venture Air was a short-term rental business, a lessor of residential buildings
21 and dwellings, and an operator of residential hotels. And since Defendant James Han is a
22 licensed real estate salesperson for Coldwell Banker (CalRE # 02222105), he knowingly
23 falsified real estate property information on his city of Riverside business license with full
24 competency and knowledge of what he was doing, and knowing what he was doing was a form
25 of real estate fraud. See now James Han's State of California Department of Real Estate records
26 attached as **Appendix of Exhibits, Exhibit 12.**

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED**

73. Based on James Han's faulty and invalid short-term rental business license, he had zero legal standings to remove Fairchild from her master bedroom by telling the city of Riverside police department peace officers and dispatchers on July 12, 2024, that Fairchild had overstayed her Airbnb reservation and was refusing to check out James Han's Airbnb listing at 541 Bruin Drive, Riverside, CA 92507. What Airbnb listing? James Han never had an Airbnb listing Fairchild was required to check out because of his faulty and false short-term business license and registration under a 1994 incorporated California airplane parts corporation located at 18374 Phantom W, Victorville, CA 92394, meant that James Han needed to have legitimate permission from the city of Riverside before he could legally began operating an Airbnb short-term rental listing in the city of Riverside, California, in the first place. Since James Han and Yingchun Chen's fabricated and falsified city of Riverside, California business license was invalid, so was AROGANT and Fairchild's original Airbnb booking reservation on July 7, 2024, which would have required them to lawfully check out of their master bedroom on July 14, 2024.

74. Between July 11, 2024, and July 12, 2024, Defendant James Han and his wife Yingchun Chen willfully, knowingly, recklessly, wantonly, maliciously, and callously committed under color of law fraud by recklessly mispresenting to, lying to, falsely representing, and fabricating lies to city of Riverside peace officers and police dispatchers that they owned, managed, operated, and licensed a legitimate Airbnb hosting business that gave them legal authority and legal grounds to trespass Fairchild from their illegal 541 Bruin Drive, Riverside, CA Airbnb listing. When in reality and actuality, James Han and Yingchun Chen had a fabricated and falsified business license and registration for a California airplane parts corporation incorporated in 2014, which was a decade prior to them even buying the home that they are using and continue to use to conduct illegal Airbnb hosting. James Han and Yingchun Chen's faulty and invalid City of Riverside short-term business license meant they did not have legal permission from the City of Riverside to operate an Airbnb listing. They could not legally request that city

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 of Riverside peace officers trespass Fairchild from an illegally operated Airbnb listing located at
2 541 Bruin Drive, Riverside, CA 92507, and in doing just that, all Defendants sued herein except
3 city of Riverside Peace Officer Corey Galindo, willfully, knowingly, recklessly, wantonly,
4 maliciously, and callously committed under color of law fraud to remove Fairchild from her
5 master bedroom. Further, James Han and Yingchun Chen's calling the police on July 12, 2024,
6 requesting that peace officers trespass Fairchild from their city of Riverside prohibited, illegal,
7 and unlawful Airbnb listing after on July 11, 2024, peace officer A. Liss advised Defendant Han
8 and Yingchun Chen to go through the eviction process and refused to remove and trespass
9 AROGANT and Fairchild from their master bedroom, proves by clear and convincing evidence
10 James Han and Yingchun Chen's desperate and foolish ideas and actions to willfully,
11 knowingly, recklessly, wantonly, maliciously, and callously deceive the city of Riverside police
12 department on multiple occasions (July 11, 2024, and July 12, 2024, for the sole purpose of
13 Defendants successfully assisting their under color of law self-help eviction of Alison Helen
14 Fairchild's master bedroom she was peacefully in possession of.

15
16 75. On July 11, 2024, at approximately 11 AM, AROGANT and Fairchild contacted Airbnb
17 customer care by dialing 1-844-234-2500. Fairchild and AROGANT told Airbnb over the
18 telephone to cease and desist, violating their constitutional civil rights. They also told Airbnb
19 that Yingchun Chen and James Han were operating an illegal Airbnb listing based on a falsified
20 and fabricated city of Riverside short-term rental business license.

21
22 76. On July 11, 2024, at approximately noon, AROGANT and Fairchild sent an English and
23 a Chinese version of their Cease-and-Desist letter and opt-out arbitration in the body of an
24 Airbnb website platform message sent to Yingchun Chen and James Han. Further proving FAIR
25 NOTICE to them that they were willfully, recklessly, maliciously, wantonly, and callously
26 violating Fairchild's constitutional civil rights.

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 77. On July 11, 2024, AROGANT and Fairchild sent at approximately 1 PM AROGANT and
2 Fairchild sent an English-only version of their Cease-and-Desist letter and opt-out arbitration in
3 the body of an Airbnb website platform instant message sent to a live Airbnb Trust and Safety
4 Department employee that was chatting with them both over the Airbnb instant message system.
5 Further, proving by all Airbnb Defendants received FAIR NOTICE that they were willfully,
6 recklessly, wantonly, maliciously, and callously violating Fairchild's constitutional civil rights.

7
8 78. On July 11, 2024, at approximately 1 PM, Defendant Han, his wife Yingchun Chen,
9 Airbnb Trust & Safety, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
10 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside,
11 California, City of Riverside peace officer, and DOES 1-10 all had a meeting of minds that they
12 would willfully, recklessly, wantonly, maliciously, and callously violate Fairchild's civil rights
13 by calling the city of Riverside police department and requesting that city peace officers assist
14 them with their under color of law self-help eviction of the disabled, handicapped, and unable to
15 walk Alison Helen Fairchild from her master bedroom on July 11, 2024.

16
17 79. On July 11, 2024, at approximately 1 PM, Defendant Han, his wife Yingchun Chen,
18 Airbnb Trust & Safety, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
19 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside,
20 California, and DOES 1-10 all had a meeting of minds, conspired, and carefully and secretly
21 planned to willfully, recklessly, knowingly, wantonly, maliciously, and callously violate
22 Fairchild's civil rights by calling the city of Riverside police department and requesting that city
23 of Riverside peace officers assist them with their well thought out, well planned, and conspired
24 under color of law self-help eviction of the disabled, handicapped, and unable to walk Alison
25 Helen Fairchild from her master bedroom on July 11, 2024.

26
27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 80. On information and belief Airbnb Inc. and Defendants Brian Chesky, Alicia Del Valle
2 Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, and DOES 1-10
3 have a custom, tradition, policy, practice, and procedure of recklessly encouraging, tolerating,
4 allowing, consenting to, permitting, authorizing, and condoning Airbnb hosts and co-hosts
5 running illegal and unlicensed Airbnb listings to call law enforcement to illegally remove,
6 illegally trespass, and unlawfully arrest United States citizens who are legally, constitutionally,
7 and peacefully in possession of their rooms.

8
9 81. On July 11, 2024, at approximately 2 PM, Defendant Han, his wife Yingchun Chen,
10 Airbnb Trust & Safety, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
11 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside,
12 California, and DOES 1-10 put their previously jointly planned and jointly conspired plan to
13 execute their under color of law self-help eviction into action when Defendant James Han's wife
14 Yingchun Chen called the city of Riverside police department 911 dispatch and falsely reported
15 that AROGANT pushed her. Upon arriving, AROGANT showed a GoPro video recording to
16 city of Riverside peace officers that did not show AROGANT touching Yingchun Chen.
17 Defendant James Han and Yingchun Chen told the city of Riverside peace officers A. Liss and
18 A. Lizarraga that they wanted AROGANT and Fairchild trespassed and removed from the
19 master bedroom because they were operating and managing a licensed Airbnb short-term rental
20 at 541 Bruin Drive, Riverside, CA 92507. Defendant Han and his wife Yingchun Chen told the
21 city of Riverside peace officers that Airbnb had canceled AROGANT and Fairchild's
22 reservation. Yingchun Chen and Defendant James Han told City of Riverside peace officers A.
23 Liss and A. Lizarraga that since Airbnb had canceled AROGANT and Fairchild's Airbnb
24 reservation, they were now trespassing because they were both required to vacate Defendant
25 Han's master bedroom immediately. Airbnb could not legally cancel AROGANT and
26 Fairchild's Airbnb reservations and remove them from their master bedroom based on a faulty

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 and invalid City of Riverside business license.

2
3 82. On July 11, 2024, at approximately 2:15 PM, AROGANT and Fairchild told the city of
4 Riverside peace officers A. Liss and A. Lizarraga that Yingchun Chen and James Han were
5 running an illegal Airbnb listing based on them having a faulty and falsified business license
6 that stated that SZ Air Venture Inc. was running a short-term rental business located at 541
7 Bruin Drive, Riverside, CA 92507. AROGANT and Fairchild showed city of Riverside peace
8 officers A. Liss and A. Lizarraga certified California Secretary of State records that proved the
9 Air in SZ Air Venture Inc. did not stand for Airbnb. AROGANT and Fairchild showed the city
10 of Riverside peace officers A. Liss and A. Lizarraga certified California Secretary of State
11 records that proved SZ Air Venture Inc. was an airplane parts company, not a short-term rental
12 business. AROGANT and Fairchild also told city of Riverside peace officers in addition to the
13 faulty and falsified unlicensed city of Riverside short-term rental Airbnb listing that pursuant to
14 California Civil Code § 1946.5, they could not be removed from their master bedroom except by
15 way of a judicial eviction proceeding. AROGANT and Fairchild showed city of Riverside peace
16 officers A. Liss and A. Lizarraga printed pages from the County of Orange, California Sheriff's
17 Department (There is an Orange County also in North Carolina and Florida) website that stated
18 if there were two lodgers in a room, those lodgers could only be removed by an eviction
19 proceeding. See this County of Orange, California printed website document that was shown to
20 the city of Riverside peace officers A. Liss and A. Lizarraga on July 11, 2024, attached as
21 **Appendix of Exhibits, Exhibit 13.** State of California real estate licensed Defendant Han
22 (CalRE # 02222105) also knew about California Civil Code § 1946.5. Defendant Han's real
23 estate license and extensive real estate knowledge and experience prove by clear and convincing
24 evidence that Defendant James Han had complete understanding, knowledge, and awareness
25 that he was illegally, unconstitutional, and unlawfully attempting to dispossess Fairchild on July
26 11, 2024, and actually dispossessing her on July 12, 2024.

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 83. On July 11, 2024, Defendants James Han, Brian Chesky, Alicia Del Valle Rash, Ronald
2 A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, and DOES 1-10 willfully,
3 knowingly, recklessly, maliciously, wantonly, and callously committed under color of law fraud
4 when they falsely misrepresented to, lied to, and otherwise deceived city of Riverside peace
5 officers A. Liss and A. Lizarraga that they operated, managed, and owned a legitimate and
6 lawful Airbnb listing located at 541 Bruin Drive, Riverside, CA 92507, with the unlawful
7 purpose of their fraudulent statements to law enforcement being used to aid and assist with their
8 secretly planned and conspired under color of law self-help eviction of a severely disabled, and
9 unable-to-walk Alison Helen Fairchild, which was done by Defendants James Han, Brian
10 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
11 Holdings, LLC, and DOES 1-10 by them using, by them doing, by them executing, by them
12 directing, by them employing, by them manipulating, and otherwise engaging in illusory and
13 manipulated illegal acts of conspiracies, concealment, deceit, fraud, and corruption so that
14 Defendants could gain an unfair, unjust, unconstitutional, illegal, and unlawful advantage over
15 Plaintiff Alison Helen Fairchild.

16
17 84. On July 11, 2024, Defendants Defendant Han, his wife Yingchun Chen, Airbnb Trust &
18 Safety, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
19 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California, and DOES
20 1-10 willfully, knowingly, recklessly, maliciously, wantonly, and callously committed under
21 color of law deceit when they concealed from, hid from, failed to disclose, failed to inform,
22 failing to tell, and otherwise deceived city of Riverside peace officers A. Liss and A. Lizarraga
23 by recklessly not telling them that they had an illegal and invalid business city of Riverside,
24 California short-term rental business license on which they had recklessly falsified and
25 fabricated lies that SZ Air Venture Inc. was a short-term rental business that engaged in business
26 practices of being a lessor of residential buildings and dwellings, and was also an operator of

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 residential hotels, while Defendant Han and his non-Defendant wife Yingchun Chen, Airbnb
2 Trust & Safety, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
3 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California, and DOES
4 1-10 all knew with one hundred percent certainty that the truth was that SZ Venture Air was an
5 airplane parts corporation wholly owned and operated by Defendant James Han's wife
6 Yingchun Chen since 2014. Which was recklessly under color of law deceit done by Defendants
7 James Han, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host
8 LLC, Airbnb Holdings, LLC, and DOES 1-10 for the unlawful purposes of tricking, fooling,
9 manipulating, and otherwise deceiving city of Riverside peace officers A. Liss and A. Lizarraga
10 so that they would foolishly assist and participate in Defendants' illegally planned and conspired
11 under color of law unsuccessful removal and trespass of Fairchild on July 11, 2024.

12
13 85. On July 11, 2024, at approximately 3 PM, city of Riverside peace officers A. Liss and A.
14 Lizarraga willfully, knowingly, recklessly, wantonly, maliciously, and callously falsely arrested
15 AROGANT for violation of California Penal Code § 242 based on Yingchun Chen's fabricated
16 police statements that AROGANT pushed her. Yingchun Chen is a liar, and a liar never tells the
17 same story twice. This fact is true as Yingchun Chen told the police that AROGANT pushed her
18 before the GoPro video recording began. But this new story was only told to law enforcement
19 after AROGANT had presented his GoPro video recording to city of Riverside peace officers on
20 July 11, 2024.

21
22 86. On July 11, 2024, at approximately 3:15 PM, city of Riverside peace officer A. Liss
23 placed AROGANT in his marked police vehicle. After securing AROGANT in his police
24 vehicle, he immediately returned to 541 Bruin Drive, Riverside, CA 92507, to speak further with
25 Defendant James Han and his wife, Yingchun Chen. City of Riverside, California, peace officer
26 A. Liss told Defendant James Han and Yingchun Chen that he could not legally trespass and
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 remove AROGANT and Fairchild because they were legally in possession of their master
2 bedroom. Peace officer Liss declined and refused to trespass and remove Fairchild even though
3 both James Han and his wife Yingchun Chen were willing and anxious to sign a private citizen's
4 arrest for Fairchild allegedly violating California Penal Code § 602 by refusing to leave James
5 Han and Yingchun Chen's illegally operated and unlicensed Airbnb.

6
7 87. On July 11, 2024, city of Riverside peace officer A. Liss told Defendant James Han and
8 his wife Yingchun Chen that the dispute over who has possession of the master bedroom was a
9 civil matter and that they must go through the Superior Court and obtain a judicial eviction court
10 order to remove Fairchild and AROGANT from their master bedroom. On July 11, 2024, city of
11 Riverside peace officer A. Liss declined and refused to execute a private person's arrest of
12 Plaintiff Alison Helen Fairchild for trespassing at the request of Defendant James Han and his
13 wife, Yingchun Chen.

14
15 88. On July 11, 2024, city of Riverside peace officers A. Liss and A. Lizarraga refused to
16 trespass and remove AROGANT and Fairchild from their master bedroom for the following
17 reasons:

- 18
19 1. AROGANT and Fairchild had shown city of Riverside peace officers A. Liss and A.
20 Lizarraga that Defendant James Han (CalRE # 02222105) and his wife Yingchun Chen
21 had a faulty, shady, bogus, and phony city of Riverside short-term business license.
22
23 2. AROGANT and Fairchild had shown city of Riverside peace officers A. Liss and A.
24 Lizarraga certified California Secretary of State records that proved that SZ Air Venture
25 Inc. was an airplane parts company, not a short-term rental business, that SZ Air Venture
26 was incorporated nearly ten years prior to Defendant James Han and his wife, Yingchun
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

Chen had purchased the home which they are using to conduct their illegal Airbnb short-term rental business, which proved that James Han and Yingchun Chen fabricated lies and falsified their city of Riverside business license application and were illegally operating an Airbnb listing within the city of Riverside, California.

3. AROGANT and Fairchild had shown city of Riverside peace officers A. Liss and A. Lizarraga printed pages from the County of Orange, California Sheriff's Department that stated two lodgers could only be removed by eviction.

89. On July 12, 2024, at approximately 1 PM, Defendant Han, his wife Yingchun Chen, Airbnb Trust & Safety, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California, and DOES 1-10 all had a meeting of minds, conspired, and carefully and secretly planned and decided to willfully, knowingly, recklessly, wantonly, maliciously, and callously ignore and disregard the commands and advice of city of Riverside peace officer A. Liss and call the city of Riverside police department and request that they assist and participate in their secretly planned and conspired under color of law self-help eviction, illegal removal, and illegal trespass of the disabled, handicapped, and unable to walk Alison Helen Fairchild from her master bedroom on July 12, 2024, that she had been in peaceful possession of since July 7, 2024.

90. On July 12, 2024, at approximately 1 PM, Defendant Han, his wife Yingchun Chen, Airbnb Trust & Safety, Defendant Han, his wife Yingchun Chen, Airbnb Trust & Safety, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California, and DOES 1-10 planned and decided to willfully, knowingly, recklessly, wantonly, maliciously, and

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 callously ignore and disregard the commands and advice of City of Riverside peace officer A.
2 Liss and call the city of Riverside police department and request that they assist and participate
3 in their secretly planned and conspired under color of law illegal trespass, illegal removal, and
4 successful under color of law self-help eviction of the disabled, handicapped, and unable to walk
5 Alison Helen Fairchild from her master bedroom on July 12, 2024, that she had been in peaceful
6 possession of since July 8, 2024.

7
8 91. On July 12, 2024, Defendants James Han, Brian Chesky, Alicia Del Valle Rash, Ronald
9 A. Klain, Ellie Mertz, Tiffany Chen, Kung Fu Tea Riverside, California, Airbnb Host LLC,
10 Airbnb Holdings, LLC, and DOES 1-10 willfully, knowingly, recklessly, maliciously, wantonly,
11 and callously committed under color of law fraud when they falsely misrepresented to, lied to,
12 and otherwise deceived city of Riverside peace officers K. Gilbert (#1985) and Corey Galindo
13 (# 2037) that they operated, managed, and owned a legitimate and lawful Airbnb listing located
14 at 541 Bruin Drive, Riverside, CA 92507, with the unlawful purpose of their fraudulent
15 statements to law enforcement being used to aid and assist with their secretly planned and
16 conspired under color of law self-help eviction of a severely disabled, handicapped, and unable
17 to walk Alison Helen Fairchild.

18
19 92. On July 12, 2024, Defendants James Han, Brian Chesky, Alicia Del Valle Rash, Ronald
20 A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea
21 Riverside, California and DOES 1-10 willfully, knowingly, recklessly, maliciously, wantonly,
22 and callously committed under color of law deceit when they concealed from, hid from, failed to
23 disclose, failed to inform, failed to tell, and otherwise deceived city of Riverside peace officers
24 K. Gilbert (# 1985) and Corey Galindo (# 2037) by recklessly failing to tell them that they had
25 an illegal and invalid business city of Riverside, California, short-term rental business license on
26 which they had recklessly falsified and fabricated lies that SZ Venture Air Inc. was a short-term

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 rental business that engaged in business practices of being a lessor of residential buildings and
2 dwellings and was also an operator of residential hotels, while Defendants Brian Chesky, Alicia
3 Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC,
4 Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 knew with one
5 hundred percent certainty that the truth was that SZ Venture Air was an airplane parts
6 corporation wholly owned and operated by Defendant James Han's wife, Yingchun Chen, since
7 2014. Which was recklessly under color of law deceit done by Defendants James Han, Brian
8 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
9 Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California and DOES 1-10 for the
10 unlawful purposes of tricking, fooling, manipulating, and otherwise deceiving city of Riverside
11 peace officers K. Gilbert (# 1985) and Corey Galindo (# 2037) on July 12, 2024, so that they
12 would foolishly assist and participate in Defendants' illegally planned and conspired under color
13 of law successful removal and trespass of Fairchild on July 12, 2024, which was done by
14 Defendants James Han, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz,
15 Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California and
16 DOES 1-10 by them using, by them doing, by them executing, by them directing, by them
17 employing, by them manipulating, and otherwise engaging in illusory and manipulated illegal
18 acts of conspiracies, concealment, deceit, fraud, and corruption so that Defendants could gain an
19 unfair, unjust, illegal, unlawful, and unconstitutional advantage over Plaintiff Alison Helen
20 Fairchild.

21
22 93. On July 12, 2024, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain,
23 Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea
24 Riverside, California, and DOES 1-10 willfully, knowingly, recklessly, maliciously, wantonly,
25 knowingly, and callously committed under color of law deceit when they concealed from, hid
26 from, failed to disclose, failed to inform, failing to tell, and otherwise deceived city of
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IED, & NEGLIGENT IED**

1 Riverside peace officers K. Gilbert (# 1985) and Corey Galindo (# 2037) by recklessly not
2 telling these same city of Riverside, California peace officers that on July 11, 2024 (just one day
3 prior) city of Riverside peace officer A. Liss had refused to trespass and remove Fairchild and
4 advised James Han and Yingchun Chen that they could not remove Fairchild from her master
5 bedroom except through a judicial eviction proceeding in the Superior Court. Which was
6 reckless under color of law deceit done by Defendants Brian Chesky, Alicia Del Valle Rash,
7 Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James
8 Han, Kung Fu Tea Riverside, California, and DOES 1-10 for the unlawful purposes of tricking,
9 fooling, manipulating, and otherwise deceiving city of Riverside peace officers K. Gilbert (#
10 1985) and Corey Galindo (# 2037) so that they would foolishly assist and participate in
11 Defendants' illegally planned and conspired under color of law successful removal and trespass
12 of Fairchild on July 12, 2024, which was done by them using, by them doing, by them
13 executing, by them directing, by them employing, by them manipulating, and otherwise
14 engaging in illusory and manipulated illegal acts of conspiracies, concealment, deceit, fraud, and
15 corruption so that Defendants could gain an unfair, unjust, unconstitutional, illegal, and unlawful
16 advantage over Plaintiff Alison Helen Fairchild.

17
18 94. On July 12, 2024, at approximately 10 AM, Defendant city of Riverside, peace officer
19 Corey Galindo, had a secret meeting with James Han, Yingchun Chen, and Airbnb Trust and
20 Safety employees standing by and speaking over the telephone with James Han. At this secret
21 meeting that was recklessly conducted and done outside of the presence and knowledge of
22 Fairchild, Corey Galindo, city of Riverside peace officers K. Gilbert, James Han, Airbnb Host
23 LLC, Airbnb Holdings, LLC, and DOES 1-10 all had a meeting of minds and all Defendants
24 James Han, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host
25 LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California, Corey Galindo,
26 and DOES 1-10 agreed that they would participate in their conspired and planned under color of

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED**

1 law illegal removal, illegal trespass, and successful self-help eviction of Alison Helen
2 Fairchild's master bedroom that she was in peaceful possession of on July 12, 2024.

3
4 95. Defendant City of Riverside peace officer Corey Galindo is grossly negligent and liable
5 for damages paid to Fairchild for foolishly participating in Defendants James Han, Brian
6 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
7 Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California and DOES 1-10's willful,
8 knowing, reckless, wanton, malicious, and callous under color of law self-help eviction of
9 Alison Helen Fairchild's master bedroom on July 12, 2024, because Galindo should have
10 conducted more research and done a proper investigation on what occurred at 541 Bruin Drive,
11 Riverside, CA 92507 on July 11, 2024, before he quickly jumped to a conclusion by making
12 assumptions that Fairchild was trespassing, and then recklessly self-help evicting her from her
13 master bedroom that she was in peaceful possession since July 7, 2024.

14
15 96. On July 12, 2024, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain,
16 Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea
17 Riverside, California, and DOES 1-10 knew that they were lying to and misrepresenting to the
18 city of Riverside peace officers K. Gilbert (# 1985) and Corey Galindo (# 2037) that they
19 owned, operated, managed, and licensed a legitimate short-term rental Airbnb business and
20 Defendants only lied and misrepresented so that they could gain an unfair, unjust, unlawful,
21 illegal, and unconstitutional advantage over Alison. Helen Fairchild.

22
23 97. On July 12, 2024, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain,
24 Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea
25 Riverside, California, and DOES 1-10 willfully, knowingly, recklessly, maliciously, wantonly,
26 and callously committed under color of law deceit when they concealed from, hid from, failed to

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 disclose, failed to inform, failed to tell, and otherwise deceived the city of Riverside peace
2 officers K. Gilbert (# 1985) and Corey Galindo (# 2037) by recklessly not telling them that they
3 had an illegal and invalid city of Riverside, California short-term rental business license on
4 which they had recklessly falsified and fabricated lies that SZ Venture Air Inc. was a short-term
5 rental business that engaged in business practices of being a lessor of residential buildings and
6 dwellings and was also an operator of residential hotels, while Defendants Brian Chesky, Alicia
7 Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC,
8 Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 knew with one-
9 hundred percent certainty that the truth was that SZ Venture Air was an airplane
10 parts corporation wholly owned and operated by Defendant James Han's wife, Yingchun Chen,
11 since 2014. Which was recklessly under color of law deceit done by Defendants James Han,
12 Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
13 Holdings, LLC, and DOES 1-10 for the unlawful purposes of tricking, fooling, manipulating,
14 and otherwise deceiving city of Riverside peace officers K. Gilbert (# 1985) and Corey Galindo
15 (# 2037) so that they would foolishly assist and participate in Defendants' illegally planned and
16 conspired under color of law successful removal and trespass of Fairchild on July 12, 2024.

17
18 98. On July 12, 2024, at approximately _____, Defendant James Han, his wife
19 Yingchun Chen, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz,
20 Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California,
21 and DOES 1-10 willfully, knowingly, recklessly, wantonly, maliciously, and callously
22 completed their reckless and shocking under color of law self-help eviction and unlawful
23 lockout of Fairchild's master bedroom after and when city of Riverside peace officers K. Gilbert
24 (# 1985) and Corey Galindo (# 2037) assisted and aided Defendant James Han, his wife
25 Yingchun Chen, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A.
26 Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 Riverside, California, and DOES 1-10 with their under color of law unconstitutional self-help
2 Eviction by Defendants using armed police physical force and persuasion to force Fairchild to
3 physically leave her master bedroom by informing and telling her that if she refused to leave her
4 master bedroom that James Han and his wife Yingchun Chen would sign a private person's
5 arrest form, and she would be physically handcuffed and arrested for trespassing.

6
7 99. On July 12, 2024, at approximately _____. Defendant James Han, his wife
8 Yingchun Chen, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz,
9 Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California,
10 and DOES 1-10 willfully, knowingly, recklessly, maliciously, wantonly, and callously further
11 completed and then finished their reckless and shocking under color of law self-help eviction
12 and physical lockout of Fairchild's master bedroom when and after knowledgeable real estate
13 licensed Defendant James Han (**CalRE # 02222105**) told city of Riverside peace officers K.
14 Gilbert (# 1985) and Corey Galindo (# 2037) in the physical presence of Fairchild after
15 Defendants had already illegally and unconstitutionally removed and trespassed Fairchild from
16 her master bedroom that she was in peaceful possession of since July 7, 2024, that Han would
17 remove all Fairchild's personal property from her master bedroom located at 541 Bruin Drive,
18 Riverside, CA and place it in the home's very summer hot 100 plus degrees garage that would
19 potentially damage over \$ 20,000 of Fairchild and AROGANT's personal electronics and other
20 valuable personal property.

21
22 99 ½. The illegal motivation, inspiration, and unlawful purpose behind Defendants' reckless
23 under color of law fraud, deceit, and deception was that Defendants sought to illegally gain
24 possession of Fairchild's master bedroom so that they could immediately gain and receive daily
25 monetary payments from renting out and booking Fairchild's master bedroom on airbnb.com
26 using their faulty and fraudulent city of Riverside short-term rental business license.

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

100. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, and DOES 1-10 proved their collusion with Defendant James Han, Tiffany Chen, Kung Fu Tea Riverside, California, and DOES 1-10 when Airbnb Community Support employee Anthony (outsourced outside of the United States) sent the following disturbing and in collusion Airbnb instant message and email to Fairchild and AROGANT:

Hi Arogant.

I trust this finds you well. I'm Anthony, part of Airbnb Community Support team.

Thank you again for telling us about your experience with your Host Yingchun. We take These reports seriously because they help make Airbnb better and more inclusive for everyone.

Airbnb exists to create a world where everyone can belong. You can read more about our Nondiscrimination Policy here.

www.airbnb.com/help/article/2867

Based on the evidence provided, we were not able to conclude that there was a violation of our Nondiscrimination Policy.

We very much appreciate you raising this issue with our team. We take these reports seriously because they help make Airbnb better and more inclusive for everyone.

We're committed to fighting discrimination and ensuring that the Airbnb community is open and accessible to everyone. We will not tolerate any form of bias or prejudice reports like these help us in creating a world where everyone can belong.

If there is any further information we should consider, please do not hesitate to contact us.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 Best,
2 Anthony

3
4 See now Airbnb's lying and nonsense letter addressing AROGANT and Fairchild's
5 discrimination claims attached as **Appendix of Exhibits, Exhibit 14**. Defendants' willful,
6 knowing, reckless, wanton, malicious, and callous actions of self-help evicting an elderly lady
7 who could not work is about as discriminatory as any situation and incident could be!

8
9 101. In his foolish email sent to AROGANT and Fairchild on July 13, 2024, Defendant Han
10 admits to receiving notice of AROGANT and Fairchild's personally served and emailed Cease-
11 and-Desist letter, and thus, FAIR NOTICE, in his Airbnb system message sent to AROGANT
12 and Fairchild on July 13, 2024, in which he made the following written statements:

13
14 You blackmailed and threatened the host and other members to get fired if your
15 request for extension could not be accepted.

16
17 You blackmailed and threatened the host and other members to be sued if your request
18 for extension could not be accepted.

19
20 See now **Appendix of Exhibits, Exhibit 15**.

21
22 102. In his July 13, 2024, Airbnb message to AROGANT and Fairchild sent on July 13, 2024,
23 evil and corrupt James Han admits to his under color of law self-help eviction of Alison Helen
24 Fairchild and even threatens to dispose of her personal property within just five days of illegally
25 removing her:

26
27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 *If your items has not been legally picked up within the 15th of July. These items will*
2 *be donated to the welfare institution in your personal name.*

3
4 *Please note: the person who comes over to pick up the item must be filed at the*
5 *police station first and the lady you used to live here with you cannot approach the*
6 *house and approach us in any form.*

7
8 See now **Appendix of Exhibits, Exhibit 16.**

9
10 In evil and disability-biased Defendant James Han's above-stated July 15, 2024, email,
11 he foolishly admits to using law enforcement to violate Fairchild's Fourteenth Amendment
12 constitutional rights recklessly, he admits to self-evicting Fairchild, he admits to removing her
13 property from her master bedroom, and he further admits to preventing her from regaining entry
14 to the main house's front door and her master bedroom. *"Cannot approach the house and*
15 *approach us in any form."*

16
17 103. On Tuesday, August 20, 2024 Airbnb Support's electronic mail to AROGANT and
18 Fairchild provided this Court with further evidence of Defendant James Han's admission to guilt
19 that he acted illegally by willfully, knowingly, recklessly, wantonly, and callously under color of
20 law self-help evicting Fairchild from her master bedroom by failing to disclose to city of
21 Riverside peace officers that on July 11, 2024 city of Riverside peace officer A. Liss had told
22 James Han and Yingchun Chen that they must go through the eviction process to remove
23 Fairchild, when Airbnb admitted that James Han had applied and filed a claim for liability
24 insurance after he had illegally remove Fairchild from her master bedroom. This email from
25 Airbnb read verbatim as:

26
27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

Victor S, Tues, 20 Aug 2024 14:49:46 GMT

Hi Arogant,

I'm Victor S, from Airbnb's Community Support team.

I wanted to let you know that we've been in touch with HOST, who has told us they're making a Host liability insurance claim for the accident that happened during the reservation.

Just so you're aware that all claims of this kind are investigated and evaluated by a third party insurance company under Host liability insurance, a liability insurance program maintained by Airbnb and a part of AirCover for Hosts. Someone from their team should be reaching out to you in the next few business days. If you have not heard from the insurer's claims handler by the end of 3 business days, please reach out to Airbnb for additional help.

As the handling of your claim requires the expertise and knowledge of your insurance claim adjuster we are unable to answer claim specific questions. We will continue to be available if you are having concerns reaching your claim's adjuster.

Kind regards,

Victor

See now Airbnb's August 20, 2024, email sent to AROGANT and Fairchild proving Airbnb's and James Han's in collusion guilt attached as **Appendix of Exhibits, Exhibit 17**.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED

In the above-state email, Defendants not only prove their collusion, misconduct and conspiracies to violate Fairchild's constitutional civil rights, but they also further call her illegal and unconstitutional under color of law self-help eviction an accident.

103 ½. Defendant James Han foolishly believed that he could come to the United States, obtain a college-level business education, obtain and gain knowledge and expertise in the real estate business (CalRE # 02222105), and then turn around and use that same business education and real estate knowledge and expertise to willfully, knowingly, recklessly, maliciously, wantonly, and callously violate United States citizens' Fourteenth Amendment Due Process Clause constitutional civil rights, and specifically the civil rights of Plaintiff Alison Helen Fairchild. Well, Defendant Han was sorely mistaken. And the time is now long since past overdue for him to sell the home at 541 Bruin Drive, pack up his and Yingchun Chen's bags, and book a one-way China Air ticket to Shanghai or Wuhan.

X. ALISON HELEN FAIRCHILD'S REQUESTED FEDERAL CLAIMS FOR RELIEF AND STATE CAUSES OF ACTION REQUEST FOR RELIEF

FIRST FEDERAL CAUSE OF ACTION

Willful, Knowing, Reckless, Careless, Malicious, & Callous Violation of 42

U.S.C. § 1983, Under Color of Law Fraud, Right to Due

Process of Law, Fourteenth Amendment; California Constitution,

Article I, §§ 7 & 26 Against Defendants Brian Chesky, Alicia Del Valle

Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings

LLC, Tiffany Chen, James Han, Kung Fu Tea U.S.A. Riverside, California,

and DOES 1-10

(Count 1)

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

104. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and incorporates by reference previous paragraphs 1-103 of this original civil rights complaint herein.

105. At all relevant times stated and alleged throughout this original civil rights complaint Defendants James Han, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California and DOES 1-10 all acted under color of law by conspiring to recklessly violate Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights, and then actually knowingly, recklessly, wantonly, maliciously, willfully, and callously violating Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law.

106. Since July 2024, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California & DOES 1-10 have had a fairly traceable practice, policy, custom, procedure, and tradition of recklessly allowing their employees and Airbnb Hosts to violate United States citizens' Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law that resulted in the constitutional violation of Fairchild's Fourteenth Amendment constitutional rights and California Constitution Article I, §§ 7 & 26 rights and caused her infliction of injury, loss of real property without due process of law, and intentional infliction of emotional distress.

107. The United States Constitution Amendment XIV, Section 1 provides:
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED

1 law which shall abridge the privileges and immunities of citizens of the United States, nor shall any
2 state deprive any person of life, liberty, or property, without due process of law, nor deny any
3 person within jurisdiction the equal protection of the laws.

4
5 108. Allegations of facts constituting a deprivation under color of state authority of a right
6 guaranteed by the Fourteenth Amendment satisfies to that extent the requirement of Rev Stat 1979
7 (42 USC 1983), giving a right of action against a person who under color of state law, custom, or
8 usage, subjects another to the deprivation of any rights, privileges, or immunities secured by the
9 Federal Constitution.

10
11 109. The Reconstruction Civil Rights Acts, enacted during the 1800s and 1870s, provide the
12 right to bring an action in federal court for violations of federal civil rights by state or local
13 officials, by private persons acting in concert with the state, or, in more limited situations, by
14 private parties acting alone. The most important of these statutes is Section 1983. Section 1983
15 creates no substantive rights. Rather, it creates a vehicle for enforcing existing federal rights.

16
17 110. The involvement of a policeman, a state official, whether or not his actions were lawful
18 or authorized, in the alleged conspiracy would plainly provide the state action needed to show a
19 direct violation of petitioner's Fourteenth Amendment rights entitling her to relief under §
20 1983, and private persons involved in such a conspiracy are "acting under color" of law and
21 can be liable under § 1983, *Adickes v. S.H. Kress Co.*, 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d
22 142 (1970) at 152.

23
24 111. A private company transforms into a state actor subject to the Constitution when its
25 actions are "fairly attributable to the state." *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 102 S.Ct.
26 2744, 73 L.Ed.2d 482 (1982)

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 112. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
2 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
3 California, and DOES 1-10 all committed **reckless under color of law FRAUD (Count 1)** on
4 July 11, 2024, by their, through their, and when their illegal acts, actions, misdeeds,
5 wrongdoings, misconduct, misbehavior, and transgressions of willfully, knowingly, recklessly,
6 wantonly, maliciously, and callously falsely misrepresented to, lied to and otherwise deceived
7 city of Riverside peace officers A. Liss and A. Lizarraga that they operated, managed, and
8 owned a legitimate and lawful Airbnb listing located at 541 Bruin Drive, Riverside, CA 92507,
9 with the unlawful purpose of their fraudulent statements to law enforcement being used to aid
10 and assist with their secretly planned and conspired under color of law self-help eviction of a
11 severely disabled, elderly, handicapped, and unable to walk Alison Helen Fairchild.

12
13 113. Which was recklessly done by Defendants Brian Chesky, Alicia Del Valle Rash, Ronald
14 A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han,
15 Kung Fu Tea Riverside, California, and DOES 1-10 for the unlawful purposes of tricking,
16 fooling, manipulating, lying to, and otherwise deceiving city of Riverside, California peace
17 officers A. Liss and A. Lizarraga so that they would foolishly participate and assist in Defendants
18 secretly planned and conspired unconstitutional unsuccessful self-eviction of Fairchild from her
19 master bedroom on July 11, 2024.

20
21 114. Which was recklessly done by Defendants Brian Chesky, Alicia Del Valle Rash, Ronald
22 A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han,
23 Kung Fu Tea Riverside, California, and DOES 1-10 for the unlawful purposes of willfully,
24 knowingly, recklessly, wantonly, maliciously, carelessly, and callously violating Fairchild's
25 constitutional Fourteenth Amendment Due Process Clause constitutional civil rights while
26 acting under color of law, by recklessly violating the California Constitution, and by recklessly

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 violating the United States Constitution.

2
3 115. Which was **recklessly under color of law FRAUD (Count 1)** done by Defendants James
4 Han, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC,
5 Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California, and DOES 1-10 by
6 them using, by doing, by them executing, by them manipulating, by them employing, by them
7 directing, and by them otherwise engaging in illusory and manipulated illegal acts of deceit,
8 deception, fraud, conspiracies, concealment, and corruption so that Defendants could gain an
9 unfair, unjust, illegal, unlawful, and unconstitutional advantage over Plaintiff Alison Helen
10 Fairchild.

11
12 116. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
13 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
14 California, and DOES 1-10's illegal acts alleged herein were a reckless, violation of Fairchild
15 United States Fourteenth Amendment Due Process Clause constitutional rights, a reckless
16 violation of the United States Constitution, and a violation of federal law.

17
18 117. The illegal acts, actions, misdeeds, wrongdoings, misconduct, misbehavior, and
19 transgressions of Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
20 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea
21 Riverside, California, and DOES 1-10 willfully, knowingly, recklessly, wantonly, maliciously,
22 and callously falsely misrepresented to, lied to, and otherwise deceived city of Riverside peace
23 officers A. Liss and A. Lizarraga that they operated, managed, and owned a legitimate and
24 lawful Airbnb listing located at 541 Bruin Drive, Riverside, CA 92507 so that they would
25 foolishly participate and assist in Defendants' secretly planned and conspired unconstitutional
26 unsuccessful self-eviction of Fairchild from her master bedroom on July 11, 2024, deprived

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 Fairchild of her Fourteenth Amendment Due Process Clause constitutional rights and California
2 Constitution Article I, §§ 7 & 26 rights, and was a reckless and wanton violation of California
3 state, federal laws, and precisely 42 U.S.C. § 1983 *et seq.*

4
5 118. As a further direct, foreseeable, and proximate result of said wrongful reckless, wanton,
6 malicious, willful, and callous acts by Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A.
7 Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu
8 Tea Riverside, California, and DOES 1-10. Plaintiff Fairchild has incurred attorney's fees in an
9 amount to be determined, for which Plaintiff claims a sum to be established according to proof.

10
11 119. As alleged herein, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
12 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea
13 Riverside, California, and DOES 1-10 were guilty of oppression and fraud, and Plaintiff Fairchild
14 should recover, in addition to actual damages, exemplary and punitive damages to make an
15 example of and to punish Defendants in an amount according to proof.

16
17 120. As a direct and proximate result of the negligence, recklessness, gross negligence,
18 willfulness, and wantonness as aforesaid by Defendants Brian Chesky, Alicia Del Valle Rash,
19 Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han,
20 Kung Fu Tea Riverside, California, and DOES 1-10, Plaintiff Alison Helen Fairchild sustained
21 injuries and damages including, without limitation, embarrassment, humiliation, anxiety,
22 depression, a complete disruption of life, physical pain and suffering, emotional pain and
23 suffering, multiple sclerosis relapses, insomnia, chest pain, inconvenience, heart palpitations,
24 frustration, and mental anguish.

25
26 121. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and
2 DOES 1-10 are liable to Plaintiff Fairchild for actual and punitive damages given their
3 negligence, recklessness, gross negligence, criminal indifference to civil obligations,
4 and wantonness.

5
6 122. Where a liability arises against both a master and his servant in favor of a party injured
7 by the sole negligence of the latter while acting for the master, such injured party may sue either
8 the servant, primarily liable, or the master, secondarily liable, or both, in separate actions, as a
9 judgment in his favor against one, until satisfied, is no bar to an action against the other, the
10 injured party being entitled to full satisfaction from either the master or servant or from both.
11 See *Wills v. Coal Co.*, 97 W. Va. 476 (W. Va. 1924) at p. 478, 53 Am Jur 2d, **Master and**
12 **Servant**, § 408, pp. 416-418, 92 ALR2d 533, § 3(b) pp. 539-540, *Mid-Continent Pipeline Co v.*
13 *Crauthers*, 267 P.2d 568 (Okla, 1959),

14
15 123. Under the doctrine of respondeat superior, a master is liable for injury for the person or
16 property of another proximately resulting from the acts of his servant done within the scope of
17 his employment in the master's service.' See 57 CJS, **Master and Servant**, § 570a, p.294.

18
19 124. "The master will be liable for injuries to third persons willfully and wantonly inflicted by
20 a servant while using his horse, teams, or vehicles and acting within the scope of his
21 employment." See 57 CJS 336, **Master and Servant**, § 575.

22
23 125. Where the breach of contract also involves a fraud evincing a "high degree of moral
24 turpitude" and demonstrating "such wanton dishonesty as to imply a criminal indifference to
25 civil obligations, punitive damages are recoverable if the conduct was "aimed at the public
26 generally. See *Rocanova v. Equitable Life*, 83 N.Y.2d 603 (N.Y. 1994) at p. 613 quoting *Walker*

27
28 Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 *v. Sheldon*, 10 N.Y.2d 401 (N.Y. 1961) at p. 405.

2
3 126. Under the doctrine of respondeat superior of the state of California, Defendants James
4 Han, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC,
5 Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California, and DOES 1-10 are
6 all liable to Plaintiff Fairchild for actual and punitive damages given their attorneys, managers,
7 supervisors, district managers, third party agents, regional managers, employees, owners, co-
8 owners, guests, visitors, and others' gross and wanton conduct, and wanton dishonesty that
9 resulted in extraordinary harm upon Plaintiff Alison Helen Fairchild as aforesaid.

10
11 127. **WHEREFORE**, Plaintiff Alison Helen Fairchild demands judgment against Defendants
12 Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
13 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 on
14 the first federal claim for relief of Plaintiff Alison Helen Fairchild's original civil rights
15 complaint in the amount that will justly compensate Ms. Fairchild for her compensatory,
16 general, and special damages, together with costs and attorney's fees in this action.

17
18 **SECOND FEDERAL CAUSE OF ACTION**

19 **Willful, Knowing, Reckless, Careless, Malicious, & Callous Violation of 42**

20 **U.S.C. § 1983, Under Color of Law FRAUD, Right to Due**

21 **Process of Law, Fourteenth Amendment; California Constitution,**

22 **Article I, §§ 7 & 26 Against Defendants Brian Chesky, Alicia Del Valle**

23 **Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings**

24 **LLC, Tiffany Chen, James Han, Kung Fu Tea U.S.A. Riverside, California,**

25 **and DOES 1-10**

26 **(Count 2)**

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 128. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and
2 incorporates by reference previous paragraphs 1-127 of this original civil rights complaint
3 herein.

4
5 129. At all relevant times stated and alleged throughout this original civil rights complaint,
6 Defendants James Han, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz,
7 Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California and
8 DOES 1-10 all acted under color of law by conspiring to recklessly violate Fairchild's
9 Fourteenth Amendment Due Process Clause constitutional rights and California Constitution
10 Article I, §§ 7 & 26 rights, and then actually knowing recklessly, wantonly, maliciously,
11 willfully, and callously violating Fairchild's Fourteenth Amendment Due Process Clause
12 constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law.

13
14 130. Since July 2024, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
15 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside,
16 California & DOES 1-10 have had a fairly traceable practice, policy, custom, procedure, and
17 tradition of recklessly allowing their employees and Airbnb Hosts to violate United States
18 citizens' Fourteenth Amendment Due Process Clause constitutional rights and California
19 Constitution Article I, §§ 7 & 26 rights under color of law that resulted in the constitutional
20 violation of Fairchild's Fourteenth Amendment constitutional rights and California Constitution
21 Article I, §§ 7 & 26 rights and caused her infliction of injury, loss of real property without due
22 process of law, and intentional infliction of emotional distress.

23
24 131. The United States Constitution Amendment XIV, Section 1 provides:
25 All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are
26 citizens of the United States and of the state wherein they reside. No state shall make or enforce any
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 law which shall abridge the privileges and immunities of citizens of the United States, nor shall any
2 state deprive any person of life, liberty, or property, without due process of law, nor deny any
3 person within jurisdiction the equal protection of the laws.

4
5 132. Allegations of facts constituting a deprivation under color of state authority of a right
6 guaranteed by the Fourteenth Amendment satisfies to that extent the requirement of Rev Stat 1979
7 (42 USC 1983), giving a right of action against a person who under color of state law, custom, or
8 usage, subjects another to the deprivation of any rights, privileges, or immunities secured by the
9 Federal Constitution.

10
11 133. The Reconstruction Civil Rights Acts, enacted during the 1800s and 1870s, provide the
12 right to bring an action in federal court for violations of federal civil rights by state or local
13 officials, by private persons acting in concert with the state, or, in more limited situations, by
14 private parties acting alone. The most important of these statutes is Section 1983. Section 1983
15 creates no substantive rights. Rather, it creates a vehicle for enforcing existing federal rights.

16
17 134. The involvement of a policeman, a state official, whether or not his actions were lawful
18 or authorized, in the alleged conspiracy would plainly provide the state action needed to show a
19 direct violation of petitioner's Fourteenth Amendment rights entitling her to relief under §
20 1983, and private persons involved in such a conspiracy are "acting under color" of law and
21 can be liable under § 1983, *Adickes v. S.H. Kress Co.*, 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d
22 142 (1970) at 152.

23
24 135. A private company transforms into a state actor subject to the Constitution when its
25 actions are "fairly attributable to the state. *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 102 S.Ct.
26 2744, 73 L.Ed.2d 482 (1982)

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

136. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 all committed **reckless under color of law FRAUD (Count 2)** on July 12, 2024, by their, through their, and when their illegal acts, actions, misdeeds, wrongdoings, misconduct, misbehavior, and transgressions of willfully, knowingly, recklessly, wantonly, maliciously, and callously falsely misrepresented to, lied to and otherwise deceived city of Riverside peace officers K. Gilbert (# 1985) and Defendant Corey Galindo (# 2037) that they operated, managed, and owned a legitimate and lawful Airbnb listing located at 541 Bruin Drive, Riverside, CA 92507, with the unlawful purpose of their fraudulent statements to law enforcement being used to aid and assist with their secretly planned and conspired successful under color of law self-help eviction of a severely disabled, elderly, handicapped, and unable to walk Alison Helen Fairchild.

137. Which was **reckless under color of law FRAUD (Count 2)** done by Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 for the unlawful purposes of tricking, fooling, manipulating, lying to, and otherwise deceiving city of Riverside, California peace officers K. Gilbert (# 1985) and Defendant Corey Galindo (# 2037) so that they would foolishly participate and assist in Defendants' secretly planned and conspired unconstitutional successful self-eviction of Fairchild from her master bedroom on July 12, 2024.

138. Which was **reckless under color of law FRAUD (Count 2)** done by Defendants James Han, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California, and DOES 1-10 for the unlawful purposes of willfully, knowingly, recklessly, wantonly, maliciously, carelessly, and

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 callously violating Fairchild's constitutional Fourteenth Amendment Due Process Clause
2 constitutional civil rights while acting under color of law, by recklessly violating the California
3 Constitution, and by recklessly violating the United States Constitution.

4
5 139. Which was **reckless under color of law FRAUD (Count 2)** done by Defendants Brian
6 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
7 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10
8 by them using, by doing, by them executing, by them manipulating, by them employing, by
9 them directing, and by them otherwise engaging in illusory and manipulated illegal acts of
10 deceit, deception, fraud, conspiracies, concealment, and corruption so that Defendants could
11 gain an unfair, unjust, illegal, unlawful, and unconstitutional advantage over Plaintiff Alison
12 Helen Fairchild.

13
14 140. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
15 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
16 California, and DOES 1-10 illegal acts alleged herein were a reckless, violation of Fairchild
17 United States Fourteenth Amendment Due Process Clause constitutional rights, a reckless
18 violation of the United States Constitution, and a violation of federal law.

19
20 141. The illegal acts, actions, misdeeds, wrongdoings, misconduct, misbehavior, and
21 transgressions of Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
22 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea
23 Riverside, California, and DOES 1-10 willfully, knowingly, recklessly, wantonly, maliciously,
24 and callously falsely misrepresented to, lied to, and otherwise deceived city of Riverside peace
25 officers K. Gilbert (# 1985) and Defendant Corey Galindo (# 2037) that they operated, managed,
26 and owned a legitimate and lawful Airbnb listing located at 541 Bruin Drive,

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 Riverside, CA 92507 so that they would foolishly participate and assist in Defendants secretly
2 planned and conspired unconstitutional successful self-eviction of Fairchild from her master
3 bedroom on July 12, 2024, deprived Fairchild of her Fourteenth Amendment Due Process
4 Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights, and was a
5 reckless and wanton violation of California state, federal laws, and precisely 42 U.S.C. § 1983 *et*
6 *seq.*

7
8 142. As a further direct, foreseeable, and proximate result of said wrongful, reckless, knowing,
9 wanton, malicious, willful, and callous acts by Defendants Brian Chesky, Alicia Del Valle Rash,
10 Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han,
11 Kung Fu Tea Riverside, California, and DOES 1-10. Plaintiff Fairchild has incurred attorney's
12 fees in an amount to be determined, for which Plaintiff claims a sum to be established according
13 to proof.

14
15 143. As alleged herein, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
16 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea
17 Riverside, California, and DOES 1-10 were guilty of oppression and fraud, and Plaintiff Fairchild
18 should recover, in addition to actual damages, exemplary and punitive damages to make an
19 example of and to punish Defendants in an amount according to proof.

20
21 144. As a direct and proximate result of the negligence, recklessness, gross negligence,
22 willfulness, and wantonness as aforesaid by Defendants Brian Chesky, Alicia Del Valle Rash,
23 Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han,
24 Kung Fu Tea Riverside, California, and DOES 1-10, Plaintiff Alison Helen Fairchild
25 sustained injuries and damages including, without limitation, embarrassment, humiliation,
26 anxiety, depression, a complete disruption of life, physical pain and suffering, emotional pain
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 and suffering, multiple sclerosis relapses, insomnia, chest pain, inconvenience, heart
2 palpitations, frustration, and mental anguish.

3
4 145. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host
5 LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and
6 DOES 1-10 are liable to Plaintiff Fairchild for actual and punitive damages given their
7 negligence, recklessness, gross negligence, criminal indifference to civil obligations, and
8 wantonness.

9
10 146. Where a liability arises against both a master and his servant in favor of a party injured
11 by the sole negligence of the latter while acting for the master, such injured party may sue either
12 the servant, primarily liable, or the master, secondarily liable, or both, in separate actions, as a
13 judgment in his favor against one, until satisfied, is no bar to an action against the other, the
14 injured party being entitled to full satisfaction from either the master or servant or from both.
15 See *Wills v. Coal Co.*, 97 W. Va. 476 (W. Va. 1924) at p. 478, 53 Am Jur 2d, **Master and**
16 **Servant**, § 408, pp. 416-418, 92 ALR2d 533, § 3(b) pp. 539-540, *Mid-Continent Pipeline Co v.*
17 *Crauthers*, 267 P.2d 568 (Okla, 1959).

18
19 147. Under the doctrine of respondeat superior, a master is liable for injury for the person or
20 property of another proximately resulting from the acts of his servant done within the scope of
21 his employment in the master's service.' See 57 CJS, **Master and Servant**, § 570a, p.294.

22
23 148. "The master will be liable for injuries to third persons willfully and wantonly inflicted by
24 a servant while using his horse, teams, or vehicles and acting within the scope of his
25 employment." See 57 CJS 336, **Master and Servant**, § 575.

26
27
28 Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

149. Where the breach of contract also involves a fraud evincing a “high degree of moral turpitude” and demonstrating “such wanton dishonesty as to imply a criminal indifference to civil obligations, punitive damages are recoverable if the conduct was “aimed at the public generally. See *Rocanova v. Equitable Life*, 83 N.Y.2d 603 (N.Y. 1994) at p. 613 quoting *Walker v. Sheldon*, 10 N.Y.2d 401 (N.Y. 1961) at p. 405.

150. Under the doctrine of respondeat superior of the state of California, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 are all liable to Plaintiff Fairchild for actual and punitive damages given their attorneys, managers, supervisors, district managers, third party agents, regional managers, employees, owners, co-owners, guests, visitors, and others gross and wanton conduct, and wanton dishonesty that resulted in extraordinary harm upon Plaintiff Alison Helen Fairchild as aforesaid.

151. **WHEREFORE**, Plaintiff Alison Helen Fairchild demands judgment against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 on the second federal claim for relief of Plaintiff Alison Helen Fairchild’s original civil rights complaint in the amount that will justly compensate Ms. Fairchild for her compensatory, general, and special damages, together with costs and attorney’s fees in this action.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

THIRD FEDERAL CAUSE OF ACTION

Willful, Knowing, Reckless, Careless, Malicious, & Callous Violation of 42 U.S.C. § 1983, Under Color of Law DECEIT, Right to Due Process of Law, Fourteenth Amendment; California Constitution, Article I, §§ 7 & 26 Against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea U.S.A. Riverside, California, and DOES 1-10 (Count 1)

152. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and incorporates by reference previous paragraphs 1-151 of this original civil rights complaint herein.

153. At all relevant times stated and alleged throughout this original civil rights complaint Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, James Han, Tiffany Chen, Kung Fu Tea Riverside, California and DOES 1-10 all acted under color of law by conspiring to recklessly violate Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights, and then actually knowingly, recklessly, wantonly, maliciously, willfully, and callously violating Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law.

154. Since July 2024, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California & DOES 1-10 have had a fairly traceable practice, policy, custom, procedure, and

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED

1 tradition of recklessly allowing their employees and Airbnb Hosts to violate United States
2 citizens' Fourteenth Amendment Due Process Clause constitutional rights and California
3 Constitution Article I, §§ 7 & 26 rights under color of law that resulted in the constitutional
4 violation of Fairchild's Fourteenth Amendment constitutional rights and California Constitution
5 Article I, §§ 7 & 26 rights and caused her infliction of injury, loss of real property without due
6 process of law, and intentional infliction of emotional distress.

7
8 155. The United States Constitution Amendment XIV, Section 1 provides:

9 All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are
10 citizens of the United States and of the state wherein they reside. No state shall make or enforce any
11 law which shall abridge the privileges and immunities of citizens of the United States, nor shall any
12 state deprive any person of life, liberty, or property, without due process of law, nor deny any
13 person within jurisdiction the equal protection of the laws.

14
15 156. Allegations of facts constituting a deprivation under color of state authority of a right
16 guaranteed by the Fourteenth Amendment satisfies to that extent the requirement of Rev Stat 1979
17 (42 USC 1983), giving a right of action against a person who under color of state law, custom, or
18 usage, subjects another to the deprivation of any rights, privileges, or immunities secured by the
19 Federal Constitution.

20
21 157. The Reconstruction Civil Rights Acts, enacted during the 1800s and 1870s, provide the
22 right to bring an action in federal court for violations of federal civil rights by state or local
23 officials, by private persons acting in concert with the state, or, in more limited situations, by
24 private parties acting alone. The most important of these statutes is Section 1983. Section 1983
25 creates no substantive rights. Rather, it creates a vehicle for enforcing existing federal rights.

26
27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 158. The involvement of a policeman, a state official, whether or not his actions were lawful
2 or authorized, in the alleged conspiracy would plainly provide the state action needed to show a
3 direct violation of petitioner's Fourteenth Amendment rights entitling her to relief under §
4 1983, and private persons involved in such a conspiracy are "acting under color" of law and
5 can be liable under § 1983, *Adickes v. S.H. Kress Co.*, 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d
6 142 (1970) at 152.

7
8 159. A private company transforms into a state actor subject to the Constitution when its
9 actions are "fairly attributable to the state." *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 102 S.Ct.
10 2744, 73 L.Ed.2d 482 (1982)

11
12 160. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
13 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
14 California, and DOES 1-10 all committed **reckless under color of law DECEIT (Count 1)** on
15 July 11, 2024, by their, through their, and when their illegal acts, actions, misdeeds,
16 wrongdoings, misconduct, misbehavior, and transgressions of willfully, knowingly, recklessly,
17 wantonly, maliciously, and callously concealing from, hiding from, failing to disclose, failing to
18 inform, failing to tell, and otherwise deceiving city of Riverside peace officers A. Liss (# 1969)
19 and A. Lizarraga (# 2157) by recklessly not telling them that they had an illegal and invalid
20 business city of Riverside, California short-term rental business license on which they had
21 recklessly falsified and fabricated lies that SZ Venture Air Inc. was a short-term rental business
22 that engaged in business practices of being a lessor of residential buildings and dwellings, and
23 was also an operator of residential hotels, while Defendant Han, his wife Yingchun Chen,
24 Defendants Airbnb Trust & Safety, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
25 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside,
26 California, and DOES 1-10 knew with one hundred percent certainty that the truth was that SZ

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 Venture Air was an airplane parts corporation wholly owned and operated by Defendant James
2 Han's wife Yingchun Chen since 2014.

3
4 161. Which was **reckless under color of law DECEIT (Count 1)** done by Defendants Brian
5 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
6 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10
7 for the unlawful purposes of tricking, fooling, manipulating, lying to, hiding from, concealing
8 from, and otherwise deceiving city of Riverside, California peace officers A Liss (# 1969) and
9 A. Lizarraga (# 2157) so that they would foolishly participate and assist in Defendants' secretly
10 planned and conspired unconstitutional unsuccessful self-eviction of Fairchild from her master
11 bedroom on July 11, 2024.

12
13 162. Which was **reckless under color of law DECEIT (Count 1)** done by Defendants Brian
14 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
15 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10
16 for the unlawful purposes of willfully, knowingly, recklessly, wantonly, maliciously, carelessly,
17 and callously violating Fairchild's constitutional Fourteenth Amendment Due Process Clause
18 constitutional civil rights while acting under color of law, by recklessly violating the California
19 Constitution, and by recklessly violating the United States Constitution.

20
21 163. Which was **reckless under color of law DECEIT (Count 1)** done by Defendants Brian
22 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
23 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10
24 by them using, by doing, by them engaging, by them manipulating, by them employing, by them
25 directing, and by them otherwise engaging in illusory and manipulated illegal acts of deceit,
26 deception, fraud, conspiracies, concealment, and corruption so that Defendants could gain an

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 unfair, unjust, illegal, unlawful, and unconstitutional advantage over Plaintiff Alison Helen
2 Fairchild.

3
4 164. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
5 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
6 California, and DOES 1-10's illegal acts alleged herein were a reckless, violation of Fairchild
7 United States Fourteenth Amendment Due Process Clause constitutional rights, a reckless
8 violation of the United States Constitution, and a violation of federal law.

9
10 165. The illegal acts, actions, misdeeds, wrongdoings, misconduct, misbehavior, and
11 transgressions of Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
12 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, James Han, Tiffany Chen, Kung Fu Tea
13 Riverside, California, and DOES 1-10 willfully, knowingly, recklessly, wantonly, maliciously,
14 and callously concealing from, hiding from, failing to disclose, failing to inform, failing to tell,
15 and otherwise deceiving city of Riverside peace officers A. Liss and A. Lizarraga by recklessly
16 not telling them that they had an illegal and invalid business city of Riverside, California short-
17 term rental business license on which they had recklessly falsified and fabricated lies that SZ
18 Venture Air Inc. was a short-term rental business that engaged in business practices of being a
19 lessor of residential buildings and dwellings, and was also an operator of residential hotels,
20 while Defendant Han, his wife Yingchun Chen, Defendants Airbnb Trust & Safety, Brian
21 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
22 Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California, and DOES 1-10 knew with
23 one hundred percent certainty that the truth was that SZ Venture Air was an airplane parts
24 corporation wholly owned and operated by Defendant James Han's wife Yingchun Chen since
25 2014., deprived Fairchild of her Fourteenth Amendment Due Process Clause constitutional
26
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

rights and California Constitution Article I, §§ 7 & 26 rights, and was a reckless and wanton violation of California state, federal laws, and precisely 42 U.S.C. § 1983 *et seq.*

166. As a further direct, foreseeable, and proximate result of said wrongful reckless, wanton, malicious, willful, and callous acts by Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10. Plaintiff Fairchild has incurred attorney's fees in an amount to be determined, for which Plaintiff claims a sum to be established according to proof.

167. As alleged herein, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 were guilty of oppression and fraud, and Plaintiff Fairchild should recover, in addition to actual damages, exemplary and punitive damages to make an example of and to punish Defendants in an amount according to proof.

168. As a direct and proximate result of the negligence, recklessness, gross negligence, willfulness, and wantonness as aforesaid by Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10, Plaintiff Alison Helen Fairchild sustained injuries and damages including, without limitation, embarrassment, humiliation, anxiety, depression, a complete disruption of life, physical pain and suffering, emotional pain and suffering, multiple sclerosis relapses, insomnia, chest pain, inconvenience, heart palpitations, frustration, and mental anguish.

169. Defendants James Han, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside,

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 California, and DOES 1-10 are liable to Plaintiff Fairchild for actual and punitive damages
2 given their negligence, recklessness, gross negligence, criminal indifference to civil obligations,
3 and wantonness.

4
5 170. Where a liability arises against both a master and his servant in favor of a party injured
6 by the sole negligence of the latter while acting for the master, such injured party may sue either
7 the servant, primarily liable, or the master, secondarily liable, or both, in separate actions, as a
8 judgment in his favor against one, until satisfied, is no bar to an action against the other, the
9 injured party being entitled to full satisfaction from either the master or servant or from both.
10 See *Wills v. Coal Co.*, 97 W. Va. 476 (W. Va. 1924) at p. 478, 53 Am Jur 2d, **Master and**
11 **Servant**, § 408, pp. 416-418, 92 ALR2d 533, § 3(b) pp. 539-540, *Mid-Continent Pipeline Co v.*
12 *Crauthers*, 267 P.2d 568 (Okla, 1959).

13
14 171. Under the doctrine of respondeat superior, a master is liable for injury for the person or
15 property of another proximately resulting from the acts of his servant done within the scope of
16 his employment in the master's service.' See 57 CJS, **Master and Servant**, § 570a, p.294.

17
18 172. "The master will be liable for injuries to third persons willfully and wantonly inflicted by
19 a servant while using his horse, teams, or vehicles and acting within the scope of his
20 employment." See 57 CJS 336, **Master and Servant**, § 575.

21
22 173. Where the breach of contract also involves a fraud evincing a "high degree of moral
23 turpitude" and demonstrating "such wanton dishonesty as to imply a criminal indifference to
24 civil obligations, punitive damages are recoverable if the conduct was "aimed at the public
25 generally. See *Rocanova v. Equitable Life*, 83 N.Y.2d 603 (N.Y. 1994) at p. 613 quoting *Walker*
26 *v. Sheldon*, 10 N.Y.2d 401 (N.Y. 1961) at p. 405.

27
28 Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

174. Under the doctrine of respondeat superior of the state of California, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 are all liable to Plaintiff Fairchild for actual and punitive damages given their attorneys, managers, supervisors, district managers, third party agents, regional managers, employees, owners, co-owners, guests, visitors, and others gross and wanton conduct, and wanton dishonesty that resulted in extraordinary harm upon Plaintiff Alison Helen Fairchild as aforesaid.

175. **WHEREFORE**, Plaintiff Alison Helen Fairchild demands judgment against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 on the third federal claim for relief of Plaintiff Alison Helen Fairchild's original civil rights complaint in the amount that will justly compensate Ms. Fairchild for her compensatory, general, and special damages, together with costs and attorney's fees in this action.

FOURTH FEDERAL CAUSE OF ACTION

Willful, Knowing, Reckless, Careless, Malicious, & Callous Violation of 42

U.S.C. § 1983, Under Color of Law DECEIT, Right to Due

Process of Law, Fourteenth Amendment; California Constitution,

Article I, §§ 7 & 26 Against Defendants Brian Chesky, Alicia Del Valle

Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings

LLC, Tiffany Chen, James Han, Kung Fu Tea U.S.A. Riverside, California,

and DOES 1-10

(Count 2)

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

176. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and incorporates by reference previous paragraphs 1-175 of this original civil rights complaint herein.

177. At all relevant times stated and alleged throughout this original civil rights complaint Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10 all acted under color of law by conspiring to recklessly violate Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights, and then actually knowingly, recklessly, wantonly, maliciously, willfully, and callously violating Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law.

178. Since July 2024, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, James Han, Tiffany Chen, Kung Fu Tea Riverside, California & DOES 1-10 have had a fairly traceable practice, policy, custom, procedure, and tradition of recklessly allowing their employees and Airbnb Hosts to violate United States citizens' Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law that resulted in the constitutional violation of Fairchild's Fourteenth Amendment constitutional rights and California Constitution Article I, §§ 7 & 26 rights and caused her infliction of injury, loss of real property without due process of law, and intentional infliction of emotional distress.

179. The United States Constitution Amendment XIV, Section 1 provides:
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 law which shall abridge the privileges and immunities of citizens of the United States, nor shall any
2 state deprive any person of life, liberty, or property, without due process of law, nor deny any
3 person within jurisdiction the equal protection of the laws.

4
5 180. Allegations of facts constituting a deprivation under color of state authority of a right
6 guaranteed by the Fourteenth Amendment satisfies to that extent the requirement of Rev Stat 1979
7 (42 USC 1983), giving a right of action against a person who under color of state law, custom, or
8 usage, subjects another to the deprivation of any rights, privileges, or immunities secured by the
9 Federal Constitution.

10
11 181. The Reconstruction Civil Rights Acts, enacted during the 1800s and 1870s, provide the
12 right to bring an action in federal court for violations of federal civil rights by state or local
13 officials, by private persons acting in concert with the state, or, in more limited situations, by
14 private parties acting alone. The most important of these statutes is Section 1983. Section 1983
15 creates no substantive rights. Rather, it creates a vehicle for enforcing existing federal rights.

16
17 182. The involvement of a policeman, a state official, whether or not his actions were lawful
18 or authorized, in the alleged conspiracy would plainly provide the state action needed to show a
19 direct violation of petitioner's Fourteenth Amendment rights entitling her to relief under §
20 1983, and private persons involved in such a conspiracy are "acting under color" of law and
21 can be liable under § 1983, *Adickes v. S.H. Kress Co.*, 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d
22 142 (1970) at 152.

23
24 183. A private company transforms into a state actor subject to the Constitution when its
25 actions are "fairly attributable to the state. *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 102 S.Ct.
26 2744, 73 L.Ed.2d 482 (1982)

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

184. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 all committed reckless **under color of law DECEIT (Count 2)** on July 12, 2024, by their, through their, and when their illegal acts, actions, misdeeds, wrongdoings, misconduct, misbehavior, and transgressions of willfully, knowingly, recklessly, wantonly, maliciously, and callously concealing from, hiding from, failing to disclose, failing to inform, failing to tell, and otherwise deceiving city of Riverside peace officers K. Gilbert (# 1985) and Corey Galindo (# 2037) by recklessly not telling them that they had an illegal and invalid business city of Riverside, California short-term rental business license on which they had recklessly falsified and fabricated lies that SZ Venture Air Inc. was a short-term rental business that engaged in business practices of being a lessor of residential buildings and dwellings, and was also an operator of residential hotels, while Defendant Han, his wife Yingchun Chen, Defendants Airbnb Trust & Safety, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California, and DOES 1-10 knew with one hundred percent certainty that the truth was that SZ Venture Air was an airplane parts corporation wholly owned and operated by Defendant James Han's wife Yingchun Chen since 2014.

185. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 all committed **reckless under color of law DECEIT (Count 2)** on July 12, 2024, by their, through their, and when their illegal acts, actions, misdeeds, wrongdoings, misconduct, misbehavior, and transgressions of willfully, knowingly, recklessly, wantonly, maliciously, and callously concealing from, hiding from, failing to disclose, failing to inform, failing to tell, and otherwise deceiving city of Riverside peace officers K. Gilbert (# 1985) and Corey Galindo (# 2037) by recklessly not telling them that on July 11, 2024 (just one

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 day prior) city of Riverside peace officer A. Liss had refused to trespass, arrest, and otherwise
2 remove Fairchild and also advised James Han and Yingchun Chen that they could not remove
3 Fairchild from her master bedroom except through a judicial eviction proceeding in the Superior
4 Court.

5
6 186. Which was **reckless under color of law DECEIT (Count 2)** done by Defendants Brian
7 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
8 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10
9 for the unlawful purposes of tricking, fooling, manipulating, lying to, hiding from, concealing
10 from, and otherwise deceiving city of Riverside, California peace officers K. Gilbert (# 1985)
11 and Corey Galindo (# 2037) so that they would foolishly participate and assist in Defendants'
12 secretly planned and conspired unconstitutional successful self-eviction of Fairchild from her
13 master bedroom on July 12, 2024.

14
15 187. Which was **reckless under color of law DECEIT (Count 2)** done by Defendants Brian
16 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
17 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10
18 for the unlawful purposes of willfully, knowingly, recklessly, wantonly, maliciously, carelessly,
19 and callously violating Fairchild's constitutional Fourteenth Amendment Due Process Clause
20 constitutional civil rights while acting under color of law, by recklessly violating the California
21 Constitution, and by recklessly violating the United States Constitution.

22
23 188. Which was **reckless under color of law DECEIT (Count 2)** done by Defendants Brian
24 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
25 Holdings, LLC, James Han Tiffany Chen, Kung Fu Tea Riverside, California, and DOES 1-10
26 by them using, by doing, by them executing, by them manipulating, by them employing, by
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED**

1 them directing, and by them otherwise engaging in illusory and manipulated illegal acts of
2 deceit, deception, fraud, conspiracies, concealment, and corruption so that Defendants could
3 gain an unfair, unjust, illegal, unlawful, and unconstitutional advantage over Plaintiff Alison
4 Helen Fairchild.

5
6 189. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
7 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
8 California, and DOES 1-10's illegal acts alleged herein were a reckless, violation of Fairchild
9 United States Fourteenth Amendment Due Process Clause constitutional rights, a reckless
10 violation of the United States Constitution, and a violation of federal law.

11
12 190. The illegal acts, actions, misdeeds, wrongdoings, misconduct, misbehavior, and
13 transgressions of Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
14 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, James Han, Tiffany Chen, Kung Fu Tea
15 Riverside, California, and DOES 1-10 willfully, knowingly, recklessly, wantonly, maliciously,
16 and callously concealing from, hiding from, failing to disclose, failing to inform, failing to tell,
17 and otherwise deceiving city of Riverside peace officers K. Gilbert (# 1985) and Corey Galindo
18 (# 2037) on July 12, 2024 by recklessly not telling them that they had an illegal and invalid
19 business city of Riverside, California short-term rental business license on which they had
20 recklessly falsified and fabricated lies that SZ Venture Air Inc. was a short-term rental business
21 that engaged in business practices of being a lessor of residential buildings and dwellings, and
22 was also an operator of residential hotels, while Defendant Han, his wife Yingchun Chen,
23 Defendants Airbnb Trust & Safety, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
24 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside,
25 California, and DOES 1-10 knew with one hundred percent certainty that the truth was that SZ
26 Venture Air was an airplane parts corporation wholly owned and operated by Defendant James

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 Han's wife Yingchun Chen since 2014., deprived Fairchild of her Fourteenth Amendment Due
2 Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights, and
3 was a reckless and wanton violation of California state, federal laws, and precisely 42 U.S.C. §
4 1983 *et seq.*

5
6 191. The illegal acts, actions, misdeeds, wrongdoings, misconduct, misbehavior, and
7 transgressions of Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
8 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, James Han Tiffany Chen, Kung Fu Tea
9 Riverside, California, and DOES 1-10 willfully, knowingly, recklessly, wantonly, maliciously,
10 and callously concealing from, hiding from, failing to disclose, failing to inform, failing to tell,
11 and otherwise deceiving city of Riverside peace officers K. Gilbert (# 1985) and Corey Galindo
12 (# 2037) on July 12, 2024, by recklessly not telling them that on July 11, 2024 (just one day
13 prior) city of Riverside peace officer A. Liss had refused to trespass, arrest, and otherwise
14 remove Fairchild and also advised James Han and Yingchun Chen that they could not remove
15 Fairchild from her master bedroom except through a judicial eviction proceeding in the Superior
16 Court, deprived Fairchild of her Fourteenth Amendment Due Process Clause constitutional
17 rights and California Constitution Article I, §§ 7 & 26 rights, and was a reckless and wanton
18 violation of California state, federal laws, and precisely 42 U.S.C. § 1983 *et seq.*

19
20 192. As a further direct, foreseeable, and proximate result of said wrongful reckless, wanton,
21 malicious, willful, and callous acts by Defendants Brian Chesky, Alicia Del Valle Rash, Ronald
22 A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, James Han, Tiffany Chen,
23 Kung Fu Tea Riverside, California, and DOES 1-10. Plaintiff Fairchild has incurred attorney's
24 fees in an amount to be determined, for which Plaintiff claims a sum to be established according
25 to proof.

26
27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED**

193. As alleged herein, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, James Han, Tiffany Chen, Kung Fu Tea Riverside, California, and DOES 1-10 were guilty of oppression and fraud, and Plaintiff Fairchild should recover, in addition to actual damages, exemplary and punitive damages to make an example of and to punish Defendants in an amount according to proof.

194. As a direct and proximate result of the negligence, recklessness, gross negligence, willfulness, and wantonness as aforesaid by Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10, Plaintiff Alison Helen Fairchild sustained injuries and damages including, without limitation, embarrassment, humiliation, anxiety, depression, a complete disruption of life, physical pain and suffering, emotional pain and suffering, multiple sclerosis relapses, insomnia, chest pain, inconvenience, heart palpitations, frustration, and mental anguish.

195. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 are liable to Plaintiff Fairchild for actual and punitive damages given their negligence, recklessness, gross negligence, criminal indifference to civil obligations, and wantonness.

196. Where a liability arises against both a master and his servant in favor of a party injured by the sole negligence of the latter while acting for the master, such injured party may sue either the servant, primarily liable, or the master, secondarily liable, or both, in separate actions, as a judgment in his favor against one, until satisfied, is no bar to an action against the other, the injured party being entitled to full satisfaction from either the master or servant or from both.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 See *Wills v. Coal Co.*, 97 W. Va. 476 (W. Va. 1924) at p. 478, 53 Am Jur 2d, Master and
2 Servant, § 408, pp. 416-418, 92 ALR2d 533, § 3(b) pp. 539-540, *Mid-Continent Pipeline Co v.*
3 *Crauthers*, 267 P.2d 568 (Okla, 1959).

4
5 197. Under the doctrine of respondeat superior, a master is liable for injury for the person or
6 property of another proximately resulting from the acts of his servant done within the scope of
7 his employment in the master's service.' See 57 CJS, Master and Servant, § 570a, p.294.

8
9 198. "The master will be liable for injuries to third persons willfully and wantonly inflicted by
10 a servant while using his horse, teams, or vehicles and acting within the scope of his
11 employment." See 57 CJS 336, Master and Servant, § 575.

12
13 199. Where the breach of contract also involves a fraud evincing a "high degree of moral
14 turpitude" and demonstrating "such wanton dishonesty as to imply a criminal indifference to
15 civil obligations, punitive damages are recoverable if the conduct was "aimed at the public
16 generally. See *Rocanova v. Equitable Life*, 83 N.Y.2d 603 (N.Y. 1994) at p. 613 quoting *Walker*
17 *v. Sheldon*, 10 N.Y.2d 401 (N.Y. 1961) at p. 405.

18
19 200. Under the doctrine of respondeat superior of the state of California, Defendants Brian
20 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings,
21 LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 are all liable
22 to Plaintiff Fairchild for actual and punitive damages given their attorneys, managers,
23 supervisors, district managers, third party agents, regional managers, employees, owners, co-
24 owners, guests, visitors, and others gross and wanton conduct, and wanton dishonesty that
25 resulted in extraordinary harm upon Plaintiff Alison Helen Fairchild as aforesaid.

26
27
28 Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 201. **WHEREFORE**, Plaintiff Alison Helen Fairchild demands judgment against Defendants
2 Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
3 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 on
4 the fourth federal claim for relief of Plaintiff Alison Helen Fairchild's original civil rights
5 complaint in the amount that will justly compensate Ms. Fairchild for her compensatory,
6 general, and special damages, together with costs and attorney's fees in this action.

7
8 **FIFTH FEDERAL CAUSE OF ACTION**

9 **Willful, Knowing, Reckless, Careless, Malicious, & Callous Violation of 42**
10 **U.S.C. § 1983, Under Color of Law SELF-HELP EVICTION,**
11 **Right to Due Process of Law, Fourteenth Amendment; California**
12 **Constitution, Article I, §§ 7 & 26 Against Defendants Brian Chesky, Alicia Del**
13 **Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings**
14 **LLC, Tiffany Chen, James Han, Kung Fu Tea U.S.A. Riverside, California,**
15 **City of Riverside, & DOES 1-10**
16 **(Count 1)**

17
18 202. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and
19 incorporates by reference previous paragraphs 1-201 of this original civil rights complaint
20 herein.

21
22 203. At all relevant times stated and alleged throughout this original civil rights complaint
23 Defendants James Han, Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz,
24 Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California and
25 DOES 1-10 all acted under color of law by conspiring to recklessly violate Fairchild's
26 Fourteenth Amendment Due Process Clause constitutional rights and California Constitution
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

Article I, §§ 7 & 26 rights, and then actually knowing recklessly, wantonly, maliciously, willfully, and callously violating Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law.

204. Since July 2024, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea Riverside, California & DOES 1-10 have had a fairly traceable practice, policy, custom, procedure, and tradition of recklessly allowing their employees and Airbnb Hosts to violate United States citizens' Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law that resulted in the constitutional violation of Fairchild's Fourteenth Amendment constitutional rights and California Constitution Article I, §§ 7 & 26 rights and caused her infliction of injury, loss of real property without due process of law, and intentional infliction of emotional distress.

205. The United States Constitution Amendment XIV, Section 1 provides:
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny any person within jurisdiction the equal protection of the laws.

206. Allegations of facts constituting a deprivation under color of state authority of a right guaranteed by the Fourteenth Amendment satisfies to that extent the requirement of Rev Stat 1979 (42 USC 1983), giving a right of action against a person who under color of state law, custom, or usage, subjects another to the deprivation of any rights, privileges, or immunities secured by the Federal Constitution.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

207. The Reconstruction Civil Rights Acts, enacted during the 1800s and 1870s, provide the right to bring an action in federal court for violations of federal civil rights by state or local officials, by private persons acting in concert with the state, or, in more limited situations, by private parties acting alone. The most important of these statutes is Section 1983. Section 1983 creates no substantive rights. Rather, it creates a vehicle for enforcing existing federal rights.

208. The involvement of a policeman, a state official, whether or not his actions were lawful or authorized, in the alleged conspiracy would plainly provide the state action needed to show a direct violation of petitioner's Fourteenth Amendment rights entitling her to relief under § 1983, and private persons involved in such a conspiracy are "acting under color" of law and can be liable under § 1983, *Adickes v. S.H. Kress Co.*, 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d 142 (1970) at 152.

209. A private company transforms into a state actor subject to the Constitution when its actions are "fairly attributable to the state." *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 102 S.Ct. 2744, 73 L.Ed.2d 482 (1982)

210. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 all committed **reckless under color of law SELF-HELP EVICTION (Count 1)** on July 12, 2024, by their, through their, and when their illegal acts, actions, misdeeds, wrongdoings, misconduct, misbehavior, and transgressions of willfully, knowingly, recklessly, wantonly, maliciously, and callously requesting and directing city of Riverside peace officers K. Gilbert (# 1985) and Defendant Corey Galindo (# 2037) to illegally dispossess Fairchild from her master bedroom that she was peacefully in possession of since July 7, 2024, requesting and directing that these same peace officers physically remove Fairchild

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 from her master bedroom and then instructing peace officers to tell her that if she refused to
2 vacate her master bedroom that she would be arrested for trespassing, and then after succeeding
3 in using city of Riverside law enforcement armed police authority and police power to remove
4 and dispossess Fairchild from her master bedroom, recklessly removing her expensive personal
5 property from her cool climate controlled master bedroom and placing it inside of a 100 degree
6 plus hot summer garage located inside the home located at 541 Bruin Drive, Riverside, CA.

7
8 211. Which was **reckless under color of law SELF-HELP EVICTION (Count 1)** done by
9 Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host
10 LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and
11 DOES 1-10 for the unlawful purposes of tricking, fooling, manipulating, lying to, hiding from,
12 concealing from, and otherwise deceiving city of Riverside, California peace officers K. Gilbert
13 (# 1985) and Corey Galindo (# 2037) so that they would foolishly participate and assist in
14 Defendants' secretly planned and conspired unconstitutional successful self-eviction of Fairchild
15 from her master bedroom on July 12, 2024.

16
17 212. Which was **reckless under color of law SELF-HELP EVICTION (Count 1)** done by
18 Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host
19 LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and
20 DOES 1-10 for the unlawful purposes of willfully, knowingly, recklessly, wantonly,
21 maliciously, carelessly, and callously violating Fairchild's constitutional Fourteenth
22 Amendment Due Process Clause constitutional civil rights while acting under color of law, by
23 recklessly violating the California Constitution, and by recklessly violating the United States
24 Constitution.

25
26 213. Which was **reckless under color of law SELF-HELP EVICTION (Count 1)** done by
27

28 Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host
2 LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and
3 DOES 1-10 by them using, by doing, by them manipulating, by them employing, by them
4 directing, and by them otherwise engaging in illusory and manipulated illegal acts of deceit,
5 deception, fraud, conspiracies, concealment, and corruption so that Defendants could gain an
6 unfair, unjust, illegal, unlawful, and unconstitutional advantage over Plaintiff Alison Helen
7 Fairchild.

8
9 214. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
10 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
11 California, and DOES 1-10's illegal acts alleged herein were a reckless, violation of Fairchild
12 United States Fourteenth Amendment Due Process Clause constitutional rights, a reckless
13 violation of the United States Constitution, and a violation of federal law.

14
15 215. The illegal acts, actions, misdeeds, wrongdoings, misconduct, misbehavior, and
16 transgressions of Defendants James Han, Brian Chesky, Alicia Del Valle Rash, Ronald A.
17 Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, Kung Fu Tea
18 Riverside, California, and DOES 1-10 of willfully, knowingly, recklessly, wantonly,
19 maliciously, and callously requesting and directing city of Riverside peace officers K. Gilbert (#
20 1985) and Defendant Corey Galindo (# 2037) to illegally dispossess Fairchild from her master
21 bedroom that she was peacefully in possession of since July 7, 2024, requesting and directing
22 that these same peace officers physically remove Fairchild from her master bedroom and then
23 instructing peace officers to tell her that if she refused to vacate her master bedroom that she
24 would be arrested for trespassing, and then after succeeding in using city of Riverside law
25 enforcement armed police authority and police power to remove and dispossess Fairchild from
26 her master bedroom, recklessly removing her expensive personal property from her cool climate

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 controlled master bedroom and placing it inside of a 100 degree plus hot summer garage located
2 inside the home at 541 Bruin Drive, Riverside, CA, deprived Fairchild of her Fourteenth
3 Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7
4 & 26 rights, and was a reckless and wanton violation of California state, federal laws, and
5 precisely 42 U.S.C. § 1983 *et seq.*

6
7 216. As a further direct, foreseeable, and proximate result of said wrongful reckless, wanton,
8 malicious, willful, and callous acts by Defendants James Han, Brian Chesky, Alicia Del Valle
9 Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen,
10 Kung Fu Tea Riverside, California, and DOES 1-10. Plaintiff Fairchild has incurred attorney's
11 fees in an amount to be determined, for which Plaintiff claims a sum to be established according
12 to proof.

13
14 217. As alleged herein, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
15 Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea
16 Riverside, California, and DOES 1-10 were guilty of oppression and fraud, and Plaintiff
17 Fairchild should recover, in addition to actual damages, exemplary and punitive damages to
18 make an example of and to punish Defendants in an amount according to proof.

19
20 218. As a direct and proximate result of the negligence, recklessness, gross negligence,
21 willfulness, and wantonness as aforesaid by Defendants Brian Chesky, Alicia Del Valle Rash,
22 Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han,
23 Kung Fu Tea Riverside, California, and DOES 1-10, Plaintiff Alison Helen Fairchild sustained
24 injuries and damages including, without limitation, embarrassment, humiliation, anxiety,
25 depression, a complete disruption of life, physical pain and suffering, emotional pain and
26 suffering, deprivation of real property, multiple sclerosis relapses, insomnia, chest pain,

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 inconvenience, heart palpitations, frustration, and mental anguish.

2
3 219. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host
4 LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and
5 DOES 1-10 are liable to Plaintiff Fairchild for actual and punitive damages given their
6 negligence, recklessness, gross negligence, criminal indifference to civil obligations, and
7 wantonness.

8
9 220. Where a liability arises against both a master and his servant in favor of a party injured
10 by the sole negligence of the latter while acting for the master, such injured party may sue either
11 the servant, primarily liable, or the master, secondarily liable, or both, in separate actions, as a
12 judgment in his favor against one, until satisfied, is no bar to an action against the other, the
13 injured party being entitled to full satisfaction from either the master or servant or from both.
14 See *Wills v. Coal Co.*, 97 W. Va. 476 (W. Va. 1924) at p. 478, 53 Am Jur 2d, **Master and**
15 **Servant**, § 408, pp. 416-418, 92 ALR2d 533, § 3(b) pp. 539-540, *Mid-Continent Pipeline Co v.*
16 *Crauthers*, 267 P.2d 568 (Okla, 1959).

17
18 221. Under the doctrine of respondeat superior, a master is liable for injury for the person or
19 property of another proximately resulting from the acts of his servant done within the scope of
20 his employment in the master's service.' See 57 CJS, **Master and Servant**, § 570a, p.294.

21
22 222. "The master will be liable for injuries to third persons willfully and wantonly inflicted by
23 a servant while using his horse, teams, or vehicles and acting within the scope of his
24 employment." See 57 CJS 336, **Master and Servant**, § 575.

25
26
27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

223. Where the breach of contract also involves a fraud evincing a “high degree of moral turpitude” and demonstrating “such wanton dishonesty as to imply a criminal indifference to civil obligations, punitive damages are recoverable if the conduct was “aimed at the public generally. See *Rocanova v. Equitable Life*, 83 N.Y.2d 603 (N.Y. 1994) at p. 613 quoting *Walker v. Sheldon*, 10 N.Y.2d 401 (N.Y. 1961) at p. 405.

224. Under the doctrine of respondeat superior of the state of California, Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 are all liable to Plaintiff Fairchild for actual and punitive damages given their attorneys, managers, supervisors, district managers, third party agents, regional managers, employees, owners, co-owners, guests, visitors, and others gross and wanton conduct, and wanton dishonesty that resulted in extraordinary harm upon Plaintiff Alison Helen Fairchild as aforesaid.

225. **WHEREFORE**, Plaintiff Alison Helen Fairchild demands judgment against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, and DOES 1-10 on the fifth federal claim for relief of Plaintiff Alison Helen Fairchild’s original civil rights complaint in the amount that will justly compensate Ms. Fairchild for her compensatory, general, and special damages, together with costs and attorney’s fees in this action.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

SIXTH FEDERAL CAUSE OF ACTION

**Willful, Knowing, Reckless, Careless, Malicious, & Callous Violation of 42
U.S.C. § 1983, Under Color of Law SELF-HELP EVICTION,
Right to Due Process of Law, Fourteenth Amendment; California
Constitution, Article I, §§ 7 & 26 Against Defendant City of Riverside Peace
Officer Corey Galindo (# 2037) & DOES 1-10
(Count 2)**

226. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and incorporates by reference previous paragraphs 1-225 of this original civil rights complaint herein.

227. At all relevant times stated and alleged throughout this original civil rights complaint Defendant City of Riverside peace officer Corey Galindo (# 2037) acted under color of law by conspiring to recklessly violate Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights, and then actually knowingly, recklessly, wantonly, maliciously, willfully, and callously violating Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law.

228. The United States Constitution Amendment XIV, Section 1 provides:
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny any person within jurisdiction the equal protection of the laws.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

229. Allegations of facts constituting a deprivation under color of state authority of a right guaranteed by the Fourteenth Amendment satisfies to that extent the requirement of Rev Stat 1979 (42 USC 1983), giving a right of action against a person who under color of state law, custom, or usage, subjects another to the deprivation of any rights, privileges, or immunities secured by the Federal Constitution.

230. The Reconstruction Civil Rights Acts, enacted during the 1800s and 1870s, provide the right to bring an action in federal court for violations of federal civil rights by state or local officials, by private persons acting in concert with the state, or, in more limited situations, by private parties acting alone. The most important of these statutes is Section 1983. Section 1983 creates no substantive rights. Rather, it creates a vehicle for enforcing existing federal rights.

231. The involvement of a policeman, a state official, whether or not his actions were lawful or authorized, in the alleged conspiracy would plainly provide the state action needed to show a direct violation of petitioner's Fourteenth Amendment rights entitling her to relief under § 1983, and private persons involved in such a conspiracy are "acting under color" of law and can be liable under § 1983, *Adickes v. S.H. Kress Co.*, 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d 142 (1970) at 152.

232. Defendant City of Riverside Peace Officer Corey Galindo (# 2037) and DOES 1-10 committed **reckless under color of law SELF-HELP EVICTION (Count 2)** on July 12, 2024, by his, through his, and when his illegal acts, actions, misdeeds, wrongdoings, misconduct, misbehavior, and transgressions of willfully, knowingly, recklessly, wantonly, maliciously, and callously illegally dispossess Fairchild from her master bedroom that she was peacefully in possession of since July 7, 2024, physically removing Fairchild from her master bedroom and then telling her that if she refused to vacate her master bedroom that she would be arrested for

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 trespassing, and then after succeeding in using his city of Riverside law enforcement armed
2 police authority and police power to remove and dispossess Fairchild from her master bedroom,
3 Defendant Galindo recklessly condoned, consented to, permitted, allowed, authorized, and
4 tolerated real estate agent Defendant James Han (CalRE # 02222105) to recklessly remove
5 Fairchild's expensive personal property from her cool climate controlled master bedroom and
6 placing it inside of a 100 degree plus hot summer garage located inside the home at 541 Bruin
7 Drive, Riverside, CA.

8
9 233. Which was **reckless under color of law SELF-HELP EVICTION (Count 2)** done by
10 Defendant Galindo by him using, by him doing, by him executing, by him directing, by him
11 employing, by him manipulating, and otherwise engaging in illusory and manipulated illegal
12 acts of deceit, deception, fraud, conspiracies, concealment, fraud, and corruption to gain an
13 unfair, unjust, unlawful, illegal, and unconstitutional advantage over Alison Helen Fairchild.

14
15 234. Defendant Corey Galindo's illegal acts, actions, misdeeds, wrongdoings, misconduct,
16 misbehavior, and transgressions of willfully, knowingly, recklessly, wantonly, maliciously, and
17 callously illegally dispossessing Fairchild from her master bedroom that she was peacefully in
18 possession of since July 7, 2024, physically removing Fairchild from her master bedroom and
19 then telling her that if she refused to vacate her master bedroom that she would be arrested for
20 trespassing, and then after succeeding in using his city of Riverside law enforcement armed
21 police authority and police power to remove and dispossess Fairchild from her master bedroom,
22 Defendant Galindo recklessly condoned, consented to, permitted, allowed, authorized, and
23 tolerated real estate agent Defendant James Han (CalRE # 02222105) to recklessly remove
24 Fairchild's expensive personal property from her cool climate controlled master bedroom and
25 placing it inside of a 100 degree plus hot summer garage located inside the home at 541 Bruin
26 Drive, Riverside, CA. Were all recklessly under color of illegal acts and violations of the United
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 States Constitution done by Defendant Galindo while he was employed by the city of Riverside
2 as a sworn California state peace officer/public safety officer and while he was fully clothed and
3 dressed in his city of Riverside police department patrol uniform.

4
5 235. Defendant Corey Galindo's illegal acts, actions, misdeeds, wrongdoings, misconduct,
6 misbehavior, and transgressions of willfully, knowingly, recklessly, wantonly, maliciously, and
7 callously illegally dispossessing Fairchild from her master bedroom that she was peacefully in
8 possession of since July 7, 2024, physically removing Fairchild from her master bedroom and
9 then telling her that if she refused to vacate her master bedroom that she would be arrested for
10 trespassing, and then after succeeding in using his city of Riverside law enforcement armed
11 police authority and police power to remove and dispossess Fairchild from her master bedroom,
12 Defendant Galindo recklessly condoned, consented to, permitted, allowed, authorized, and
13 tolerated real estate agent Defendant James Han (CalRE # 02222105) to recklessly remove
14 Fairchild's expensive personal property from her cool climate-controlled master bedroom and
15 placing it inside a 100-degree-plus hot summer garage located inside the home at 541 Bruin
16 Drive, Riverside, CA. Were all recklessly under color of illegal acts and violations of the United
17 States Constitution done by Defendant Galindo by him recklessly using his police authority and
18 recklessly using his police power to self-help evict Fairchild while he was bathed, clothed,
19 draped, and covered in and under the color of law.

20
21 236. Defendant Galindo's reckless under color of law illegal acts alleged herein were a
22 reckless violation of Fairchild's United States Fourteenth Amendment Due Process Clause
23 constitutional civil rights, a reckless violation of the United States Constitution, and a violation
24 of federal law.

25
26 237. Defendant Corey Galindo's illegal acts, actions, misdeeds, wrongdoings, misconduct,
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 misbehavior, and transgressions of willfully, knowingly, recklessly, wantonly, maliciously, and
2 callously illegally dispossessing Fairchild from her master bedroom that she was peacefully in
3 possession of since July 7, 2024, physically removing Fairchild from her master bedroom and
4 then telling her that if she refused to vacate her master bedroom that she would be arrested for
5 trespassing, and then after succeeding in using his city of Riverside law enforcement armed
6 police authority and police power to remove and dispossess Fairchild from her master bedroom,
7 and then recklessly condoning, consenting to, permitting, allowing, authoring, and tolerating real
8 estate agent Defendant James Han (CalRE # 02222105) to recklessly remove Fairchild's
9 expensive personal property from her cool climate controlled master bedroom and placing it
10 inside of a 100 degree plus hot summer garage located inside the home at 541 Bruin Drive,
11 Riverside, CA, deprived Fairchild of her Fourteenth Amendment Due Process Clause
12 constitutional rights and California Constitution Article I, §§ 7 & 26 rights, and was a reckless
13 and wanton violation of California state and federal laws, and precisely 42 U.S.C. § 1983 *et seq.*

14
15 238. As a further direct, foreseeable, and proximate result of said wrongful reckless, wanton,
16 malicious, willful, and callous acts by Defendants City of Riverside Peace Officer Corey Galindo
17 (# 2037) and DOES 1-10. Plaintiff Fairchild has incurred attorney's fees in an amount to be
18 determined, for which Plaintiff claims a sum to be established according to proof.

19
20 239. As alleged herein, Defendants City of Riverside Peace Officer Corey Galindo (# 2037) and
21 DOES 1-10 were guilty of oppression and fraud, and Plaintiff Fairchild should recover, in
22 addition to actual damages, exemplary and punitive damages to make an example of and to
23 punish Defendants in an amount according to proof.

24
25 240. As a direct and proximate result of the negligence, recklessness, gross negligence,
26 willfulness, and wantonness as aforesaid by Defendants City of Riverside Peace Officer Corey
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED**

Galindo (# 2037) and DOES 1-10, Plaintiff Alison Helen Fairchild sustained injuries and damages, including, without limitation, embarrassment, humiliation, anxiety, depression, a complete disruption of life, physical pain and suffering, emotional pain and suffering, deprivation of real property, multiple sclerosis relapses, insomnia, chest pain, inconvenience, heart palpitations, frustration, and mental anguish.

241. Defendants City of Riverside Peace Officer Corey Galindo (# 2037) and DOES 1-10 are liable to Plaintiff Fairchild for actual and punitive damages given their negligence, recklessness, gross negligence, criminal indifference to civil obligations, and wantonness.

242. **WHEREFORE**, Plaintiff Alison Helen Fairchild demands judgment against Defendants City of Riverside Peace Officer Corey Galindo (# 2037) and DOES 1-10 on the sixth federal claim for relief of Plaintiff Alison Helen Fairchild's original civil rights complaint in the amount that will justly compensate Ms. Fairchild for her compensatory, general, and special damages, together with costs and attorney's fees in this action.

SEVENTH CAUSE OF ACTION

Violation of 42 U.S.C. § 1985 [Conspiracy to Violate Civil Rights]

Against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea U.S.A. Riverside, California, City of Riverside, City of Riverside Peace Officer Corey Galindo & DOES 1-10

243. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and incorporates by reference previous paragraphs 1-242 of this original civil rights complaint herein.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

244. At all relevant times stated herein and alleged throughout this original civil rights complaint Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside Peace Officer Corey Galindo (# 2037) and DOES 1-10 all acted under color of law by conspiring to recklessly violate Fairchild's Fourteenth Amendment Due Process Clause constitutional rights, her ADA rights, and California Constitution Article I, §§ 7 & 26 rights, and then actually recklessly, wantonly, maliciously, willfully, and callously violating Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law.

245. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside Peace Officer Corey Galindo (# 2037), and DOES 1-10 had a meeting of minds, and Defendants also conducted secret meetings outside of the presence and knowledge of Fairchild that they would violate Fairchild's United States constitutional Fourteenth Amendment rights, her ADA rights, and her California Constitution Article I, §§ 7 & 26 rights under color of law by interfering with and depriving Fairchild of her civil rights.

246. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside Peace Officer Corey Galindo (# 2037), and DOES 1-10 all agreed to violate Fairchild's United States constitutional Fourteenth Amendment rights, her ADA rights, and her California Constitution Article I, §§ 7 & 26 rights under color of law by interfering with and depriving Fairchild of her constitutional civil rights.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 247. 42 U.S.C. § 1985 provides a remedy in damages to anyone who is injured in his person or
2 property or deprived of a federal right or privilege as a result of an act in furtherance of a
3 conspiracy prohibited under any part of Section 1985, including clause one of Section 1985 (2).
4 See 42 U.S.C. §1985(3) (clause iii).

5
6 248. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
7 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
8 California, City of Riverside Peace Officer Corey Galindo (# 2037), and DOES 1-10 violated
9 Fairchild's United States constitutional United States Fourteenth Amendment rights, her ADA
10 rights, her Unruh Civil Rights, and her California Constitution Article I, §§ 7 & 26 rights under
11 color of law by interfering with and depriving Fairchild of her civil rights in furtherance of
12 Defendants' conspiracy to recklessly committing a shocking and disturbing under color of law
13 self-help eviction of Fairchild's master bedroom that she was peacefully in possession of since
14 July 7, 2024 and by also committing reckless under color of law fraud and reckless under color
15 of law deceit so that Defendants could trick, fool, and manipulate city of Riverside peace
16 officers to foolishly aid and participate in their reckless under color of law self-help eviction that
17 was secretly planned at least one day prior to it actually occurring against her in retaliation for
18 her making ADA complaints to Airbnb Inc. Defendants directly by email and over the
19 telephone.

20
21 249. Plaintiff Alison Helen Fairchild has suffered numerous injuries and deprivation of her
22 constitutional rights due to the 42 U.S.C. § 1985 violations and federal law violations by
23 Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host
24 LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California,
25 City of Riverside Peace Officer Corey Galindo (# 2037), and DOES 1-10.

26
27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 250. That because of the foregoing, ALISON HELEN FAIRCHILD suffered physical and
2 psychological injuries, traumatic stress, post-traumatic stress disorder, mental anguish,
3 economic damages, damage to reputation, shame, humiliation, and indignity. All said
4 injuries may be permanent.

5
6 251. As a direct and proximate result of the negligence, recklessness, gross negligence,
7 willfulness, and wantonness as aforesaid by Defendants Brian Chesky, Alicia Del Valle Rash,
8 Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James
9 Han, Kung Fu Tea Riverside, California, City of Riverside Peace Officer Corey Galindo (#
10 2037), and DOES 1-10. Plaintiff Alison Helen Fairchild sustained injuries and damages
11 including, without limitation, embarrassment, humiliation, anxiety, depression, a complete
12 disruption of life, physical pain and suffering, emotional pain and suffering, multiple sclerosis
13 relapses, multiple sclerosis hugs, deprivation of real property, insomnia, chest pain,
14 inconvenience, heart palpitations, frustration, and mental anguish.

15
16 252. **WHEREFORE**, pursuant to 42 U.S.C. § 1985, Plaintiff Alison Helen Fairchild demands
17 actual damages, compensatory, general damages, and special damages against Defendants Brian
18 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
19 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside
20 Peace Officer Corey Galindo (# 2037), and DOES 1-10 on the seventh federal claim for relief of
21 Plaintiff Alison Helen Fairchild's original civil rights complaint in the amount that will justly
22 compensate Ms. Fairchild for her compensatory, general, and special damages, together with
23 costs and attorneys' fees in this action.

24
25
26
27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

FIRST CALIFORNIA STATE CAUSE OF ACTION---NEGLIGENCE PER SE--
ALLEGED BY ALISON HELEN FAIRCHILD AS AGAINST DEFENDANTS BRIAN
CHESKY, ALICIA DEL VALLE RASH, RONALD A. KLAIN, ELLIE MERTZ,
AIRBNB HOST LLC, AIRBNB HOLDINGS, LLC, TIFFANY CHEN, JAMES HAN,
KUNG FU TEA RIVERSIDE, CALIFORNIA, & DOES 1-10

253. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and incorporates by reference previous paragraphs 1-252 of this original civil rights complaint herein.

254. At all relevant times stated and alleged throughout this original civil rights complaint Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10 all acted under color of law by conspiring to recklessly violate Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights, and then actually knowingly, recklessly, wantonly, maliciously, willfully, and callously violating Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law.

255. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10 owed Plaintiff Alison Helen Fairchild a duty of reasonable/due care as well as statutory duties established by 42 U.S.C. §§ 1983 and 1985, California Civil Code § 1714, the California Constitution, and the United States Constitution.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

256. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10 breached their duty of reasonable due care as well as one or more duties established by 42 U.S.C. §§ 1983 and 1985, the Unruh Civil Rights Act, California Civil Code § 1714, the California Constitution, and the United States Constitution by committing and engaging in the actions, acts, misdeeds, wrongdoings, misconduct, misbehavior, transgressions, violations, and misdoings alleged in paragraphs 1-255 of this original civil rights complaint.

257. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10 breached their duty of reasonable due care as well as one or more of the duties established by 42 U.S.C. §§ 1983 and 1985, Unruh Civil Rights Act, California Civil Code § 1714, the California Constitution, and the United States Constitution. Such conduct, actions, misdeeds, wrongdoings, misconduct, misbehavior, transgressions, violations, and misdoings constitute *negligence per se*.

258. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10's negligence proximately and actually caused Plaintiff Fairchild to suffer severe and ongoing personal injuries and great physical, mental, emotional and psychological pain and suffering, all to her general damages, compensatory damages, and special damages in amount to be proved according to proof.

259. Further, as a direct and legal result of the hereinabove alleged negligence of the Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

DOES 1-10, and the injuries caused thereby them all, Plaintiff Fairchild was forced to incur and will continue to be forced to incur various medical costs, psychiatric costs, and expenses as special damages in an amount to be determined at the time of jury trial.

260. Further, as a direct and legal result of the hereinabove alleged negligence of Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10, Plaintiff Fairchild has lost, and will continue to lose, real property and her constitutional civil rights, all to her special damages in amount to be determined at the time of trial herein.

261. Plaintiff Fairchild is informed and believes and, based on thereon, alleges that, in performing the acts alleged herein, Defendants acted with oppression, fraud, and malice, or, alternatively, Defendants acted in such conscious disregard of Plaintiff's civil rights, safety, and well-being, Plaintiff is entitled to punitive damages to punish Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10, and to deter such conduct in the future, in an amount to be determined at trial.

262. **WHEREFORE**, Plaintiff Alison Helen Fairchild demands judgment against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10 on the first California state cause of action of Plaintiff Alison Helen Fairchild's original civil rights complaint in the amount that will justly compensate Ms. Fairchild for her compensatory, general, and special damages, together with costs and attorneys' fees in this action.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

SECOND CALIFORNIA STATE CAUSE OF ACTION---GENERAL NEGLIGENCE--
ALLEGED BY ALISON HELEN FAIRCHILD AS AGAINST DEFENDANTS BRIAN
CHESKY, ALICIA DEL VALLE RASH, RONALD A. KLAIN, ELLIE MERTZ,
AIRBNB HOST LLC, AIRBNB HOLDINGS LLC, TIFFANY CHEN, JAMES HAN,
KUNG FU TEA RIVERSIDE, CALIFORNIA, & DOES 1-10

263. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and incorporates by reference previous paragraphs 1-262 of this original civil rights complaint herein.

264. At all relevant times stated and alleged throughout this original civil rights complaint Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10 all acted under color of law by conspiring to recklessly violate Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights, and then actually knowingly, recklessly, wantonly, maliciously, willfully, and callously violating Fairchild's Fourteenth Amendment Due Process Clause constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law.

265. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10 owed Plaintiff Fairchild a duty to act within reasonable and due care.

266. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10 breached their duty to Plaintiff Fairchild as well as one or more of

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED

1 the duties established by 42 U.S.C. §§ 1983 & 1985, California Civil Code § 1714, the
2 California Constitution, the Unruh Civil Rights Act, and the United States Constitution by
3 committing and engaging in the actions, misdeeds, wrongdoings, misconduct, misbehavior,
4 transgressions, violations, and misdoings alleged in paragraphs 1-265 of this original civil rights
5 complaint.

6
7 267. Defendants' negligence complained of herein caused Plaintiff Fairchild to suffer serious
8 harm and damages.

9
10 268. Defendants' conduct was a substantial factor in causing Plaintiff Fairchild's harm.

11
12 269. As a proximate result of Defendants' negligence, Plaintiff Fairchild has suffered general
13 damages, compensatory damages, and special damages in amounts to be determined at trial
14 according to proof.

15
16 270. Plaintiff Fairchild is informed and believes and based on thereon alleges that, in
17 performing the acts alleged herein, Defendants acted with oppression, fraud, and malice, or,
18 alternatively, Defendants acted in such conscious disregard of Plaintiff's civil rights, safety, and
19 well-being, Plaintiff Fairchild is entitled to punitive damages to punish Defendants Brian
20 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
21 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10,
22 and to deter such conduct in the future, in an amount to be determined at trial.

23
24 271. **WHEREFORE**, Plaintiff Alison Helen Fairchild demands judgment against Defendants
25 Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
26 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 on the second California state cause of action of Plaintiff Alison Helen Fairchild's original civil
2 rights complaint in the amount that will justly compensate Ms. Fairchild for her compensatory,
3 general, and special damages, together with costs and attorneys' fees in this action.

4
5 **THIRD CALIFORNIA STATE CAUSE OF ACTION--- INFLECTION OF EMOTIONAL**
6 **DISTRESS--ALLEGED BY ALISON HELEN FAIRCHILD AS AGAINST**
7 **DEFENDANTS BRIAN CHESKY, ALICIA DEL VALLE RASH, RONALD A. KLAIN,**
8 **ELLIE MERTZ, AIRBNB HOST LLC, AIRBNB HOLDINGS LLC, TIFFANY CHEN,**
9 **JAMES HAN, UNG FU TEA RIVERSIDE, CALIFORNIA, & DOES 1-10**

10
11 272. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and
12 incorporates by reference previous paragraphs 1-271 of this original civil rights complaint
13 herein.

14
15 273. At all relevant times stated and alleged throughout this original civil rights complaint
16 Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host
17 LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and
18 DOES 1-10 all acted under color of law by conspiring to recklessly violate Fairchild's
19 Fourteenth Amendment Due Process Clause constitutional rights and California Constitution
20 Article I, §§ 7 & 26 rights, and then actually knowingly, recklessly, wantonly, maliciously,
21 willfully, and callously violating Fairchild's Fourteenth Amendment Due Process Clause
22 constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law.

23
24 274. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
25 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
26 California and DOES 1-10 by their actions, misdeeds, wrongdoings, misconduct, misbehavior,

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 transgressions, violations, and misdoings intended to inflict emotional distress upon Plaintiff
2 Fairchild via violating Fairchild's Fourteenth Amendment Due Process Clause constitutional
3 rights, and California Constitution Article I, §§ 7 & 26 rights. Said conduct was intentional and
4 malicious and done for the sole purpose of causing Plaintiff Fairchild to suffer humiliation,
5 mental anguish, and emotional and physical distress.

6
7 275. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
8 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
9 California and DOES 1-10's negligence proximately and actually caused Plaintiff Fairchild to
10 suffer severe and ongoing personal injuries and great physical, mental, emotional and
11 psychological pain and suffering, all to her general damages, compensatory damages, and
12 special damages in amount to be proved according to proof.

13
14 276. Further, as a direct and legal result of the hereinabove alleged negligence of the
15 Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host
16 LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and
17 DOES 1-10, and the injuries caused thereby them all, Plaintiff Fairchild was forced to incur and
18 will continue to be forced to incur various medical costs, psychiatric costs, and expenses as
19 special damages in an amount to be determined at the time of jury trial.

20
21 277. Further, as a direct and legal result of the hereinabove alleged negligence of Defendants
22 Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
23 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10,
24 Plaintiff Fairchild has lost, and will continue to lose, real property and her constitutional civil
25 rights, all to her special damages in amount to be determined at the time of trial herein.

26
27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED**

278. As a further proximate result of Defendants' actions and the consequences proximately caused by it, as hereinabove alleged, Plaintiff Fairchild suffered humiliation, mental anguish, and emotional and physical distress and has been injured in mind and body as follows: damages in the sum to be determined at trial based on proof.

279. **WHEREFORE**, Plaintiff Alison Helen Fairchild demands judgment against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10 on the third California state cause of action of Plaintiff Alison Helen Fairchild's original civil rights complaint in the amount that will justly compensate Ms. Fairchild for her compensatory, general, and special damages, together with costs and attorneys' fees in this action.

FOURTH CALIFORNIA STATE CAUSE OF ACTION--- NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS--ALLEGED BY ALISON HELEN FAIRCHILD AS AGAINST DEFENDANTS BRIAN CHESKY, ALICIA DEL VALLE RASH, RONALD A. KLAIN, ELLIE MERTZ, AIRBNB HOST LLC, AIRBNB HOLDINGS LLC, TIFFANY CHEN, JAMES HAN, KUNG FU TEA RIVERSIDE, CALIFORNIA & DOES 1-10

280. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and incorporates by reference previous paragraphs 1-279 of this original civil rights complaint herein.

281. At all relevant times stated and alleged throughout this original civil rights complaint Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10 all acted under color of law by conspiring to recklessly violate Fairchild's

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 Fourteenth Amendment Due Process Clause constitutional rights and California Constitution
2 Article I, §§ 7 & 26 rights, and then actually knowingly, recklessly, wantonly, maliciously,
3 willfully, and callously violating Fairchild's Fourteenth Amendment Due Process Clause
4 constitutional rights and California Constitution Article I, §§ 7 & 26 rights under color of law.

5
6 282. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
7 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
8 California and DOES 1-10 by their conduct, actions, misdeeds, wrongdoings, misconduct,
9 misbehavior, transgressions, violations, and misdoings complained and alleged in paragraphs 1-
10 281 of this original civil rights complaint negligently inflicted emotional distress upon Plaintiff
11 Fairchild. Said conduct was intentional and malicious and done for the sole purpose of causing
12 Plaintiff Fairchild to suffer humiliation, mental anguish, and emotional and physical distress.

13
14 283. Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
15 Host LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside,
16 California and DOES 1-10's negligence proximately and actually caused Plaintiff Fairchild to
17 suffer severe and ongoing personal injuries and great physical, mental, emotional and
18 psychological pain and suffering, all to her general damages, compensatory damages, and
19 special damages in amount to be proved according to proof.

20
21 284. Further, as a direct and legal result of the hereinabove alleged negligence of the
22 Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host
23 LLC, Airbnb Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and
24 DOES 1-10, and the injuries caused thereby them all, Plaintiff Fairchild was forced to incur and
25 will continue to be forced to incur various medical costs, psychiatric costs, and expenses as
26 special damages in an amount to be determined at the time of jury trial.

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

1 285. Further, as a direct and legal result of the hereinabove alleged negligence of Defendants
2 Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
3 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10,
4 Plaintiff Fairchild has lost, and will continue to lose, real property and her constitutional civil
5 rights, all to her special damages in amount to be determined at the time of trial herein.

6
7 286. As a further proximate result of Defendants' actions and the consequences proximately
8 caused by it, as hereinabove alleged, Plaintiff Fairchild suffered humiliation, mental anguish,
9 and emotional and physical distress and has been injured in mind and body as follows: damages
10 in the sum to be determined at trial based on proof.

11
12 287. **WHEREFORE**, Plaintiff Alison Helen Fairchild demands judgment against Defendants
13 Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Host LLC, Airbnb
14 Holdings, LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California and DOES 1-10
15 on the fourth California state cause of action of Plaintiff Alison Helen Fairchild's original civil
16 rights complaint in the amount that will justly compensate Ms. Fairchild for her compensatory,
17 general, and special damages, together with costs and attorney's fees in this action.

18
19 **EIGHTH FEDERAL CAUSE OF ACTION**

20 **Declaratory Judgment [28 U.S.C. § 2201]**

21 **Against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz,**
22 **Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of**
23 **Riverside, California Peace Officer Corey Galindo (# 2037) & DOES 1-10**

24
25 288. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and
26 incorporates by reference previous paragraphs 1-287 of this original civil rights complaint

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

herein.

289. An actual and substantial controversy exists between Plaintiff Fairchild and Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer Corey Galindo (# 2037) exist regarding the unlawful taking of Fairchild's fundamental property rights located at 541 Bruin Drive, Riverside, CA 92507 due wholly to the unclean hands of above stated Defendants using **UNDER COLOR OF LAW FRAUD, UNDER COLOR OF LAW DECEIT, & UNDER COLOR OF LAW SELF-HELP EVICTION** to unlawfully, unconstitutionally, and illegally take away and confiscate Plaintiff Alison Helen Fairchild's real property and real property rights without **DUE PROCESS OF LAW**.

290. Plaintiff Fairchild has proven to this United States district court with an abundance of evidence of her possessory interests and rights to the real property located at 541 Bruin Drive, Riverside, CA 92507, while Defendants continue to conspire to take away her real property without due process of law, by Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer Corey Galindo (# 2037) illegally dispossessing Fairchild and removing her personal property from her cool climate controlled master bedroom and placing it in a 100 plus degrees hot summer garage, in direct violation of 42 U.S.C. §§ 1983 & 1985, and while Defendants used reckless **UNDER COLOR OF LAW FRAUD, RECKLESSLY UNDER COLOR OF LAW DECEIT, & RECKLESS UNDER COLOR OF LAW SELF-HELP EVICTION**, to illegally confiscate and take away Fairchild's real property and Fairchild's fundamental property rights located at 541 Bruin Drive, Riverside, CA 92507 without due process of law, in direct violation of 42 U.S.C. §§ 1983 & 1985, and the

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 Fourteenth Amendment of the United States Constitution.

2
3 291. An actual and substantial controversy exists between the parties concerning their
4 substantial legal rights and duties. Plaintiff Fairchild contends that the Defendants used **UNDER**
5 **COLOR OF LAW FRAUD, UNDER COLOR OF LAW DECEIT, & UNDER COLOR OF**
6 **LAW SELF-HELP EVICTION** to interfere with and then confiscate, strip, and recklessly take
7 away her real property rights without DUE PROCESS OF LAW, and Plaintiff Alison Helen
8 Fairchild, therefore, respectfully requests that this United States District Court issue a
9 declaratory judgment to that effect. Thus, declaratory relief is appropriate under 28 U.S.C. §
10 2201 *et seq*

11
12 292. **WHEREFORE**, Plaintiff Alison Helen Fairchild demands judgment against Defendants
13 Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany
14 Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer
15 Corey Galindo (# 2037) & DOES 1-10 on the eighth and final federal cause of action of Plaintiff
16 Alison Helen Fairchild's original civil rights complaint in the amount that will justly
17 compensate Ms. Fairchild for her compensatory, general, and special damages, together with
18 costs and attorneys' fees in this action.

19
20 **XI. REQUEST FOR INJUNCTIVE RELIEF**

21
22 293. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and
23 incorporates by reference previous paragraphs 1-292 of this original civil rights complaint
24 herein.

25
26 294. 42 U.S.C. § 1983, 42 U.S.C. 1985, and the Fourteenth Amendment of the United States
27

28 Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 Constitution authorizes this Court to issue a permanent injunction against Defendants Brian
2 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen,
3 James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer Corey
4 Galindo (# 2037) & DOES 1-10's violations of 42 U.S.C. §§ 1983, 1985, and U.S.C.A. CONST.
5 AMEND XIV, and, in the exercise of its equitable jurisdiction, to order such ancillary relief as a
6 temporary injunction, preliminary injunction, United States citizen redress, and appropriate
7 damages resulting from Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie
8 Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of
9 Riverside, California Peace Officer Corey Galindo (# 2037) & DOES 1-10's reckless, willful,
10 wanton, malicious, and callous acts or practices, cruel and callous course of conduct and other
11 remedial measures.

12
13 295. The Fourteenth Amendment of the United States Constitution, 42 U.S.C. § 1983, & 42
14 U.S.C. § 1985 authorizes the United States District Court of Northern California to ORDER AN
15 INJUNCTION RESTRAINING IMMEDIATELY Defendants from further violating Fairchild's
16 constitutional civil rights, and immediately do the following:

- 17
18 1. Return possession of the master bedroom premises located at 541 Bruin Drive, Riverside,
19 California 92507 to Plaintiff Alison Helen Fairchild.
20
21 2. ORDER city of Riverside peace officer Corey Galindo (# 2037) to assist and aid Plaintiff
22 Alison Helen Fairchild with reclaiming possession of her master bedroom by Galindo
23 commanding and ordering Defendant James Han to return possession to Fairchild
24 immediately.
25
26
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

3. ORDER Defendant James Han to immediately return possession of the master bedroom located at 541 Bruin Drive, Riverside, CA 92507 to Plaintiff Alison Helen Fairchild.

296. Plaintiff Alison Helen Fairchild will suffer irreparable harm by way of loss of her real property located at 541 Bruin Drive, Riverside, CA 92507, unless this Court issues an injunction on her behalf restraining Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer Corey Galindo (# 2037) & DOES 1-10's from continuing to illegally be in possession of Fairchild's master bedroom, refusing to return her possession, and by using city of Riverside peace officers' reckless illegal authority and illegal police power to prevent Fairchild from legally regaining possession of master bedroom located at 541 Bruin Drive, Riverside, CA 92507.

297. Plaintiff Alison Helen Fairchild at this moment, respectfully requests that this Court enter an injunction and make such orders or judgments permanently restraining and enjoining Defendants, their successors, their agents, their representatives, their employees, and all other persons who act under, by, through, or on behalf of any them, or any of them, from engaging in any acts in violation of 42 U.S.C. § 1983, 42 U.S.C. § 1985, and the Fourteenth Amendment of the United States Constitution.

298. **WHEREFORE**, Plaintiff Alison Helen Fairchild demands injunctive judgment against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer Corey Galindo (# 2037) & DOES 1-10 together with costs and attorney's fees in this action.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

XII. FINAL CALIFORNIA STATE CAUSE OF ACTION, VIOLATION OF THE CALIFORNIA UNRUH CIVIL RIGHTS ACT, CAL. CIV. CODE §§ 51 & 52

Against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, & DOES 1-10

299. Plaintiff Alison Helen Fairchild hereby restates, reincorporates, reiterates, realleges, and incorporates by reference previous paragraphs 1-298 of this original civil rights complaint herein.

300. The reckless and callous actions, misdeeds, wrongdoings, misconduct, misbehavior, transgressions, violations, and misdoings of Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, & DOES 1-10 alleged throughout this original civil rights complaint and complained of in paragraphs 1-299 violated the California Unruh Civil Rights Act by Defendants recklessly denying Fairchild equal access and use of her real property located at 541 Bruin Drive, CA 92507, by retaliating against her for making complaints to Airbnb by electronic mail, over the telephone, by recklessly removing her expensive personal property from her cool climate-controlled master bedroom and then callously placing it inside a 100-degree-plus hot summer garage of the home, by retaliating against her for making complaints through electronic mail, over the telephone, and over Airbnb Inc.'s instant message system, by discriminating against her through her housing, and by interfering with Fairchild's fundamental property rights by executing a secretly planned under the color of self-help eviction that was spearheaded, masterminded, and orchestrated by real agent Defendant James Han (CalRe # 02222105).

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED

1 301. The California Unruh Civil Rights Act provides for declaratory and monetary relief to
2 “aggrieved persons” who suffer from discrimination on the basis of their disability, including in
3 housing and public accommodations, as outlined and stated throughout this original civil rights
4 complaint.

5
6 302. Plaintiff Alison Helen Fairchild has been damaged by Defendants Brian Chesky, Alicia
7 Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han,
8 Kung Fu Tea Riverside, California, City of Riverside, & DOES 1-10’s willful, reckless, knowing,
9 wanton, malicious, evil, and callous under color of law non-compliance with the California
10 Unruh Civil Rights Act.

11
12 303. Pursuant to California Civil Code § 52, Plaintiff Alison Helen Fairchild is entitled to such
13 other relief as this Court considers appropriate, including monetary damages in an amount to be
14 proven at trial, but in no event less than \$ 4,000.

15
16 304. Pursuant to the Unruh Civil Rights Act, Plaintiff Fairchild is entitled to attorney’s fees
17 and costs in an amount to be proven at trial.

18
19 305. **WHEREFORE**, Plaintiff Alison Helen Fairchild demands judgment against Defendants
20 Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany
21 Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside & DOES 1-10 on the final
22 California state cause of action of Plaintiff Alison Helen Fairchild’s original civil rights
23 complaint in the amount that will justly compensate Ms. Fairchild for her compensatory,
24 general, and special damages, together with costs and attorney’s fees in this action.

25
26
27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

XIII.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Alison Helen Fairchild respectively prays for judgment on the above-alleged claims for relief against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer Corey Galindo (# 2037) & DOES 1-10 as follows:

1. Pursuant to the Fourteenth Amendment of the United States Constitution award Plaintiff Alison Helen Fairchild full possession of the master bedroom located at 541 Bruin Drive, Riverside, California 92507.
2. Statutory disbursements, costs, expert fees, and attorney's fees authorized under 42 U.S.C. § 1988(b), and such further and other relief as the Court deems just and proper.
3. Pursuant to 42 U.S.C. § 18116, award compensatory damages, general damages, and special damages to Plaintiff Alison Helen Fairchild in an amount determined by the jury that would fully compensate Ms. Fairchild for the injuries, emotional harm, mental anguish, embarrassment, humiliation, and degradation caused by Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer Corey Galindo (# 2037) & DOES 1-10.
4. Pursuant to 42 U.S.C. § 18116, award punitive damages to Plaintiff Alison Helen Fairchild in an amount determined by the jury, but no less than three times the amount of actual damages, which would punish all the above-stated Defendants Brian Chesky, Alicia

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James
2 Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer Corey
3 Galindo (# 2037) & DOES 1-10.

4
5 5. Pursuant to 42 U.S.C. § 1983, award compensatory damages, special damages, and
6 general damages to Plaintiff Alison Helen Fairchild in an amount determined by the jury
7 that would fully compensate Ms. Fairchild for the injuries, emotional harm, mental
8 anguish, embarrassment, humiliation, and degradation caused by Defendants Brian
9 Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany
10 Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace
11 Officer Corey Galindo (# 2037) & DOES 1-10.

12
13 6. Pursuant to 42 U.S.C. § 1983, award punitive damages to Plaintiff Alison Helen Fairchild
14 in an amount determined by the jury, but no less than three times the amount of actual
15 damages, that would punish Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A.
16 Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea
17 Riverside, California, City of Riverside, California Peace Officer Corey Galindo (# 2037) &
18
19 DOES 1-10 for their intentional, willful, knowing, malicious, wanton, callous, evil, and
20 reckless misconduct alleged in this civil rights complaint and that would effectively deter
21 Defendants from future discriminatory behavior.

22
23 7. Pursuant to 42 U.S.C. § 1985, award compensatory damages, special damages, and general
24 damages to Plaintiff Alison Helen Fairchild in an amount determined by the jury that
25 would fully compensate Plaintiff Fairchild for the injuries, emotional harm, mental anguish,
26 embarrassment, humiliation, and degradation caused by Defendants Brian Chesky, Alicia
27

28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer Corey Galindo (# 2037) & DOES 1-10's misconduct alleged in this civil rights complaint.

8. Pursuant to 42 U.S.C. § 1985, award punitive damages to Plaintiff Alison Helen Fairchild in an amount determined by the jury, but no less than three times the amount of actual damages, that would punish Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer Corey Galindo (# 2037) & DOES 1-10 for the intentional, willful, knowing, malicious, wanton, evil, callous and reckless misconduct alleged in this civil rights complaint and that would effectively deter Defendants from future discriminatory behavior.

9. Pursuant to California Civil Code § 52, aware Plaintiff Alison Helen Fairchild the following compensatory, declaratory, and injunctive relief:

- a. A declaratory judgment that at the commencement of this original civil rights action Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer Corey Galindo (# 2037) & DOES 1-10 violated the specific requirements of the Unruh Civil Rights Act.
- b. Irrespective of Defendants' voluntary cessation of their reckless Unruh violations if applicable, a permanent injunction pursuant to the Unruh Civil Rights Act, which directs and orders Defendants to take all steps necessary to stop discriminating against Fairchild, including but not limited to Defendants' under color of law self-help eviction

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

1 and retaliatory actions launched and executed against Fairchild, and pursuant to
2 implementing regulations, this Court shall retain jurisdiction for a period to be
3 determined after Defendants informs the Court of their compliance with Unruh.

4
5 c. Irrespective of Defendants' voluntary cessation of their reckless Unruh violations,
6 if applicable, the payment of costs of this civil rights lawsuit.

7
8 d. Irrespective of Defendants' voluntary cessation of their reckless Unruh violations,
9 if applicable, the payment of attorney's fees.

10
11 e. For damages in an amount no less than \$ 4,000.

12
13 f. The provision of whatever other relief this United States District Court deems just,
14 equitable, and appropriate pursuant to Defendants' reckless, willful, wanton,
15 malicious, and callous violations of the California Unruh Civil Rights Act.

16
17 10. Award Plaintiff Alison Helen Fairchild damages (non-economic), special damages
18 (economic), actual and compensatory damages in an amount to be determined at trial to
19 compensate her for the California tort of negligence *per se* as alleged against Defendants
20 Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb
21 Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, & DOES 1-10.

22
23 11. Award Plaintiff Alison Helen Fairchild damages (non-economic), special damages
24 (economic), actual and compensatory damages in an amount to be determined at trial to
25 compensate her for the California tort of general negligence as alleged against
26 Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb

27
28 **Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED**

Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, & DOES 1-10.

12. Award Plaintiff Alison Helen Fairchild damages (non-economic), special damages (economic), actual and compensatory damages in an amount to be determined at trial to compensate her for the California tort of intentional infliction of emotional distress as alleged against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer Corey Galindo (# 2037) & DOES 1-10.

13. Award Plaintiff Alison Helen Fairchild damages (non-economic), special damages (economic), actual and compensatory damages in an amount to be determined at trial to compensate her for the California tort of negligence intentional infliction of emotional distress as alleged against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, & DOES 1-10.

14. Award Plaintiff Alison Helen Fairchild general damages (non-economic), special damages (economic), and actual and compensatory damages against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside Peace Officer Corey Galindo (# 2037) & DOES 1-10 including damages for without limitation, embarrassment, humiliation, anxiety, depression, a complete disruption of life, physical pain and suffering, emotional pain and suffering, multiple sclerosis relapses, multiple sclerosis hugs, insomnia, chest pain, inconvenience, heart palpitations, frustration, and mental anguish, emotional distress, loss of enjoyment of life, loss of civil rights loss of real property, and deprivation of constitutional rights, and other pain and suffering on all

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

claims allowed by the law in an amount of **\$ 135,000,000** or a much more significant amount as may be set by a jury.

15. Award Plaintiff Alison Helen Fairchild punitive damages in the amount of **\$ 313,000,000** to impress upon Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, City of Riverside, California Peace Officer Corey Galindo (# 2037) & DOES 1-10 to the seriousness of their egregious conduct and to deter similar behavior in the future.

16. Award Alison Helen Fairchild interest from and commencing on July 7, 2024.

17. Award Alison Helen Fairchild reasonable attorney's fees pursuant to 42 U.S.C. § 1988.

18. Award Plaintiff Alison Helen Fairchild medical, psychiatric, incidental, and hospital expenses according to proof.

19. Award Plaintiff Alison Helen Fairchild consequential damages in a sum reasonable to proof.

20. Award Plaintiff Alison Helen Fairchild injunctive relief against pursuant to 42 U.S.C. § 1983, 42 U.S.C. § 1985, & the Fourteenth Amendment of the United States Constitution and enjoin Defendants from further recklessly violating Fairchild's constitutional civil rights by staying in illegal possession of her master bedroom, and, IMMEDIATELY ORDER Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

Riverside, California, City of Riverside, California Peace Officer Corey Galindo (# 2037) & DOES 1-10 restore and return possession of Alison Helen Fairchild's master bedroom located at 541 Bruin Drive, Riverside, California 92507.

21. Award Plaintiff Alison Helen Fairchild injunctive relief against Defendants Brian Chesky, Alicia Del Valle Rash, Ronald A. Klain, Ellie Mertz, Airbnb Holdings LLC, Tiffany Chen, James Han, Kung Fu Tea Riverside, California, & DOES 1-10 pursuant to the California Unruh Civil Rights Act [Cal. Civ. Code §§ 51 & 52, *et seq.*

22. Order all other and further relief as the Court may deem equitable, just, and proper.

XIV. DEMAND FOR JURY TRIAL

Plaintiff Alison Helen Fairchild hereby demands a trial by jury for issues triable by a United States District Court civil rights jury.

Respectfully Submitted,

DATE: September 24, 2024



ALISON HELEN FAIRCHILD
1308 East Colorado Blvd.
Pasadena, CA 91106
Mobile: (626) 755-6442
Email: fairchildadacrusader@gmail.com

Spirit of Esquire

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED

VERIFICATION OF PLAINTIFF ALISON HELEN FAIRCHILD

United States of America

State of California

City of Riverside, California, Within the County of Riverside

I, **ALISON HELEN FAIRCHILD**, being duly sworn, say:

I, **ALISON HELEN FAIRCHILD**, am the Plaintiff in the above-entitled action and proceeding.

I have read the foregoing:

VERIFIED ORIGINAL CIVIL RIGHTS COMPLAINT FOR INJUNCTIVE RELIEF, DECLARATORY RELIEF, GENERAL DAMAGES, COMPENSATORY DAMAGES, SPECIAL DAMAGES & PUNITIVE DAMAGES FOR VIOLATION OF 42 U.S.C. §§ 1983 & 1985, U.S.C.A. CONST. AMEND. XIV, FRAUD, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED.

and know the contents thereof. The facts stated therein are true and within my personal knowledge, [except as to those matters which are therein alleged on information and belief, and as to those matters, I believe them to be true], and if called upon to testify, I would competently testify as to the matters stated herein.

Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages, Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983 [UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983, 1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE, GENERAL NEGLIGENCE, IED, & NEGLIGENT IED

1 I declare under penalty of perjury under the laws and constitution of California and
2 the United States that every word, sentence, paragraph, and page of this Original
3 Civil Rights Complaint and Verification are true and correct.
4

5 DATE: September 24, 2024
6

7 
8

9
10 ALISON HELEN FAIRCHILD
11 1308 East Colorado Blvd.
12 Pasadena, CA 91106
13 Mobile: (626) 755-6442
14 Email: fairchildadacrusader@gmail.com

15 *Spirit of Esquire*
16
17
18
19
20
21
22
23
24
25
26
27

28 Verified Original Civil Rights Complaint for Injunctive Relief, Declaratory Relief, General Damages, Compensatory Damages,
Punitive Damages, & Special Damages for Violation of 42 U.S.C. § 1983 [UNDER COLOR OF LAW FRAUD], 42 U.S.C. § 1983
[UNDER COLOR OF LAW DECEIT], 42 U.S.C. § 1983 [UNDER COLOR LAW FRAUD UPON COURT], 42 U.S.C. §§ 1983,
1985, & 1986, U.S.C.A. CONST. AMEND. XIV, CALIFORNIA TORTS FRAUD, NEGLIGENCE, NEGLIGENCE PER SE,
GENERAL NEGLIGENCE, IIED, & NEGLIGENT IIED